

QUESTION OF PALESTINE: LEGAL ASPECTS

(Document 2)

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CONTENTS

III. THIRD UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE (10-14 August 1981, Colombo, Sri Lanka)

- A. The fundamental rights of the Palestinian people
M. S. Agwani (Rector, Jawaharlal Nehru University, New Delhi, India)
- B. The Palestinian right to self-determination
Fouad M. Moughrabi (Professor, University of Tennessee, Chattanooga, Tennessee, United States of America)
- C. Certain aspects of the inalienable rights of the Palestinian people
Stanislaw Matosek (Ministry of Foreign Affairs, Poland)
- D. The use of Palestinian waters and international law
Türkaya Ataöv (Professor, Ankara University, Ankara, Turkey)
- E. The national identity and the inalienable rights of the Palestinian people

Mohammed Akbar Kherad (Professor, Kabul University, Kabul, Afghanistan)

- F. Fundamental rights of the Palestinians: the primal crime and the ambiguities of chosenness
Hassan S. Haddad (Professor, Xavier University, Chicago, Illinois, United States of America)
- G. The Palestinian question and the rights of the Palestinian child
Salwa Abu Khadra (Palestinian)
- H. Restoration of human rights of the Palestinian people: the role of the United Nations and the super-Powers
Sardar Muhammad (Professor, Department of Political Science, University of Punjab, Lahore, Pakistan)

IV. FOURTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE
(31 August-4 September 1981, Havana, Cuba)

- A. Retrieving Palestinian national rights
Ibrahim Abu-Lughod (Professor, Department of Sociology, Northwestern University, Evanston, Illinois, United States of America)
- B. Israeli settlements in occupied Arab lands: conquest to colony
Janet Abu-Lughod (Northwestern University, Evanston, Illinois, United States of America)
- C. Political aborticide: Israel's Palestinian policy
Muhammad Hallaj (Professor, Institute of Arab Studies, Belmont, Massachusetts, United States of America)
- D. Implications of the process of implementing the fundamental rights of the Palestinian people
Humberto Diaz-Casanueva (Human Rights Commission Ad Hoc Working Group on Southern Africa)
- E. Human rights of Palestine
Julio Prado Vallejo (Director at the Post-Graduate School for International Sciences of the Universidad Central del Ecuador)
- F. The fundamental rights of the Palestinian people
David Gilmour (United Kingdom of Great Britain and Northern Ireland)
- G. An analysis of the legal structure of Israeli settlements in the occupied West Bank of Jordan
Raja Shehadeh (Lawyer and Representative of Law in the Service of Man, West Bank)
- H. The inalienable rights of the Palestinian people
José A. García Lara (Director, Centre for African and Middle Eastern Studies, Havana, Cuba)
- I. Some considerations on the establishment of a Palestinian State
Horacio Sevilla-Borja (Executive Secretary of the Latin American Association for Human Rights)
- J. Human rights and Palestine: recent developments
John Quigley (Professor, College of Law, Ohio State University, Columbus, Ohio, United States of America)
- K. The fundamental rights of the Palestinian people
Miguel A. D'Estefano Pisani (Professor of International Public Law at the University of Havana, Cuba and at the Higher Institute for International Relations)

Note

The papers contained in the present compilation have been reproduced in the form in which they were submitted at the seminars, with minor editorial changes.

III. THIRD UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

(10-14 August 1981,
Colombo, Sri Lanka)

A. THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

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I

Few issues of our times have been subjected to so much distortion and misrepresentation as the rightful claim of the Palestinian people to its homeland. Over the years the hard facts about Palestine have been overlaid with thick layers of myths woven from fable and falsehood. The Zionist myth-making seems to have succeeded so well at least in some parts of the world as to embolden them to present their claim on Palestine as "a self-evident fact of life".

But this is not the first time the world has been confronted with "facts of life" which the processes of history, articulated by man's quest for freedom and dignity, have subsequently debunked.

Time was when myths such as the "white man's burden" and the "civilizing mission of imperialism" had been trotted out as "facts of life" only to be consigned to the dustbin of history in course of time. And what happened to Hitler's "master race" and his dream of world domination? The same inexorable processes of history are now at work in Palestine disentangling fact from fiction and salvaging reality from the myth.

Since its inception in the nineteenth century, zionism has thrived on two complementary myths: one meant for the Jew, the other for the non-Jew.

The Jews were told that they were the "chosen people" cherishing the "loftiest of the spiritual ideals"; that unlike all other peoples they alone represented a synthesis of race, religion and political community; and that God had entrusted them with a "divine mission".

Ironically, zionism borrowed these postulates from no other source than the racist philosophers of nineteenth century Europe who turned out to be the forerunners of nazism and fascism.

On the other hand, the European Gentiles, without whose active support the Zionists did not expect to fulfil their "divine mission", were told that just because the Jews were like any other people, they too should have a land of their own. They pleaded that the ideal site for this purpose was Palestine which they alleged was "a land without people".

The liberal Westerner, eager to atone for the crimes committed by his own kinsmen against the European Jews, saw in this myth a convenient escape and readily subscribed to it.

But Theodor Herzl, the self-styled prophet of zionism, knew for certain that Palestine was not a demographic vacuum. Hence the careful entry in his private diaries: "We must expropriate gently the private property on the estates assigned to us. We will try to spirit the pitiless population across the border ..."

Such was the outline of Herzl's solution for the "Arab problem" long before Hitler began to talk about "the final solution" in an equally diabolic context!

Consider also the myth of the world Jewry's special connection with, and hence, claim on Palestine. Here too the Zionists offer two sets of arguments: one meant for the consumption of the secular-minded Gentile, the other designed to stir the religious sentiment of the Jew.

The secular argument demands the resurrection of the Kingdom of Judah on the specious ground that it had existed over two thousand years ago. In plain terms, this amounts to a plea for resurrecting ancient population patterns which, if conceded, would call for a redrawing of the world's political map restoring the United Kingdom and France to the Celts, Anatolia to the Greeks and America to the Indians.

But the Zionist would promptly point out that his is a very special case backed by "divine promises" recorded in the Old Testament. And this lends an entirely new dimension to the whole myth. It implies that the Jews in the Diaspora have the right to return to Palestine at a time of their own choosing and regardless of the wishes of the then existing population of Palestine.

What is more grotesque, this line of argument attributes to God a proposition which is manifestly vile and immoral. It is, of course, quite another matter that the so-called "divine" right to return to Palestine did not prevent Theodor Herzl from persuading the Sixth Zionist Congress to accept British East Africa as a substitute for Palestine, albeit unsuccessfully.

Coming to a later period - that is after the Zionist had convinced the British Government that the Jewish "homeland" they desired to set up in Palestine would serve the British imperial interests in the neighbourhood of the Suez Canal, and the British and gratuitously conceded that demand in the Balfour Declaration of 2 November 1917 - one spots a far more fantastic myth. This was evidently necessitated by the fact that, contrary to the message conveyed by earlier myths, the Western press had begun to talk about strong Palestinian resistance to the influx of uninvited Jewish immigrants from Europe.

Zionist propaganda organs promptly came forward with a novel explanation that the Arab hostility to zionism had been artificially generated. The "ordinary Arab", it was argued, was not really interested in politics, but was being instigated by "a handful of agitators" using zionism as a diversion to secure their own feudal interests.

Here was a double-edged myth. The Zionist used it to cover up systematic expropriation of the Palestinians. He also manipulated it to pose as the "liberator" of the Arab masses from their "feudal exploiters" - an argument designed to hoodwink the liberal Westerner.

After 1948, this myth was further elaborated to explain away the woes of the dispossessed Palestinians. The latter were shown as being "caged like animals in suffering" to be used as "a deliberate political weapon" by the neighbouring Arab countries. In the course of time, so the argument ran, they would refuse to go on being "caged" and insist on their resettlement in those countries.

This last myth had the added advantage of absolving Israel of any responsibility towards the Palestinians whose hearths and homes it had usurped. But the advantage turned out to be ephemeral. Recurrent wars waged by Israel against the Arabs, together with its territorial expansion and dispossession of many more Palestinians, brutal suppression of the tiny Arab minority in Israel and the reign of terror let loose on the Palestinians in the Israeli-occupied territories have reduced the credibility of its propaganda to a near-vanishing point.

And thus, the truth about Palestine rises from the debris of Zionist myths and stares the world community in the face.

It is, however, necessary to add that, next to the Palestinians, the peoples of resurgent Asia were the first to perceive the ominous implications of the Zionist onslaught on Palestine under the British auspices.

It is common knowledge that for more than a century and a half before the creation of Israel, the driving force behind Britain's Middle Eastern policy was its imperial interest in India. Hence, it is hardly surprising that the Indian national movement should have played a leading role in the Asian peoples' opposition to both Zionism and British policies in Palestine. India's concern for Palestine was voiced by the Indian National Congress and its most eminent mentors, Mahatma Gandhi and Jawaharlal Nehru.

Gandhi's credentials to speak on Zionism and Palestine were beyond reproach. He believed in the right of every people to live in freedom. In the early phase of his political work in South Africa, he had won the friendship and cooperation of many Jews. He deeply sympathized with the sufferings and hardships of the Jews in central and Eastern Europe, and in sorrow described them as "the untouchables of Christianity".

In an article published in his own journal, Harijan, of 26 November 1938, Gandhi recorded his considered views on the Arab-Jewish question in Palestine and the persecution of Jews in Germany as follows:

"But my sympathy (for the Jews) does not blind me to the requirements of justice. The cry for a national home for the Jews does not make much appeal to me. The sanction for it is sought in the Bible and the tenacity with which the Jews have hankered after return to Palestine. Why should they not, like other people of the Earth, make that country their home where they are born and where they earn their livelihood?

"Palestine belongs to the Arabs in the same sense that England belongs to the English, or France to the French. It is wrong and inhuman to impose the Jews on the Arabs. What is going on in Palestine today, cannot be justified by any moral code of conduct. The Mandates have no sanction but that of the last war. Surely, it would be a crime against humanity to reduce the proud Arabs so that Palestine can be restored to the Jews, partly or wholly, as their national home.

"The nobler course would be to insist on a just treatment of the Jews, wherever they are born and bred."

As the events in Palestine moved towards a tragic finale, Gandhi reiterated his views on the subject in July 1946. He said:

"In my opinion, they (the Zionists) have erred grievously in seeking to impose themselves on Palestine with the aid of America and Britain and now with the aid of naked terrorism ... One would have thought adversity would teach them lessons of peace. Why should they depend on American money or British arms for forcing themselves on an unwelcome land? Why should they resort to terrorism to make good their forcible landing in Palestine?" 1/

Jawaharlal Nehru, on his part, related the Palestine question to the wider issue of imperialism. Addressing the fiftieth session of the Indian National Congress, held in 1936, Nehru observed that "the Arab struggle against British imperialism in Palestine is as much part of the great world conflict as India's struggle for freedom". 2/

As Nehru saw it, England was pitting "Jewish religious nationalism against Arab nationalism" so as to "make it appear that her presence was necessary to act as an arbitrator and to keep the peace between the two. It was the same old game we have seen in other countries under imperialist domination, it is curious how often it is repeated". 3/

Independent India's stand on the rights of Palestinian people was rooted in the premises set forth by Gandhi, Nehru and the Indian National Congress during the freedom struggle. An elaborate exposition of the Indian viewpoint is contained in the special note submitted by the Indian representative on the United Nations Special Committee on Palestine.

The aforesaid document is of singular importance because it offers a sound analysis of the Palestine problem in the perspective of history. The Balfour Declaration, it said, had no legal validity because the British Government had no legitimate right to make it at the time when it was made. The Mandate, which incorporated the Balfour Declaration, contravened the Covenant of the League of Nations in that the Palestinians were not consulted in regard to the choice of the Mandatary. Likewise the stipulation requiring the Mandatary to ensure the well-being and development of the indigenous people of the Mandated Territory was totally disregarded.

Another grievous mistake was made when the Mandatary permitted the Jewish Agency, an extraneous body, not merely to collaborate with the administration of the country but "to run its own educational, industrial and economic system for a portion of the population" amounting to "a parallel government". This encouraged the Jewish immigrants to magnify their original demand for a "national home"

into the clamour for a full-fledged Jewish State reinforced by the ceaseless terrorist activities of the Haganah, the Irgun, and Stern Gang.

The Indian note also questioned the rationale of zionism. Ancient association of a people with a land did not create political or legal rights in the present time. Nor is it reasonable to argue that profession of a faith by a person confers on him any special rights in a country.

The document concluded that the destiny of Palestine should be decided on the basis of self-determination, a principle that forms the keystone of the Charter of the United Nations. 4/

III

The crux of the Palestine problem today remains what it has always been for the past 60 years: the Palestinian people's inalienable right to self-determination. The trampling of this right by the Zionists forms a sad chapter in the history of our times - a chapter written with the blood and tears of the innocent Palestinians.

The assault on the national rights of the Palestinian Arabs was mounted by the British in the early 1920s to be continued by the Zionists since the creation of Israel in 1948.

The story of the demographic aggression of Palestine under British auspices is best told by official figures. The British carried out the first systematic census of Palestine in December 1922 which showed that its inhabitants numbered 757,182, of whom only 83,794 were Jews, the rest being Muslim and Christian Arabs.

With the opening of floodgates of Jewish immigration by the British administration, the proportion of the Jewish population in Israel steadily rose from 11 per cent in 1922 to 16 per cent in 1931, 27.7 per cent in 1936 and 31 per cent in 1947. In absolute terms, the number of Jews had increased seven-fold as against a two-fold increase in the Arab population.

Zionist immigration in Palestine was soon reflected in the pattern of land ownership. The area of Jewish-owned land increased from 594,000 dunums (1 dunum equals one quarter of an acre) in 1922 to 1.5 million dunums in 1939. Some of this additional acreage came from State-owned lands which the British "rented" to the Jewish National Fund for nominal sums under 90-year leases. The rest was bought by the Fund from absentee owners living in Syria and Lebanon under French Mandate.

On the face of it, the land thus acquired by the Zionists did not exceed 6.6 per cent of the total area of Palestine. But for a variety of reasons its real value far exceeded its size. First, this land was located in the most fertile parts of the country along the coastal and northern plains. Second, since a good part of this land was cultivable, the actual acreage under Zionist control amounted to well over 20 per cent of the total cultivable area of Palestine. Finally, the land bought by the Jewish National Fund became the exclusive property of the Zionists which could neither be resold to the Arabs nor could any Arab be employed on it. 5/

Expropriation of the Palestinians between 1922 and 1947 was followed by outright expulsion thereafter.

The first round of expulsion of Palestinians from their homeland at the hands of the Zionists was initiated well before the middle of May 1948 when establishment of Israel was formally proclaimed. The entire operation was attended by well-orchestrated Zionist propaganda to the effect that the Palestinians left their homes at the bidding of the Arab leaders and "in the hope of returning later to wreak their vengeance on the Jew".

In reality, the Zionists forced the Arabs to quit their homes by unleashing a reign of terror in several parts of Palestine. A case in point was the massacre at Deir Yassin on 9 April 1948 in which 250 old men, women and children were savagely murdered and their mutilated corpses put on public display. The horrid drama was re-enacted at several other places including Huleh, Ramleh and Lydda. As a result of these grisly proceedings, thousands of Palestinians were killed and some 800,000 were rendered homeless.

The second round of expulsion began during the June 1967 war and has ever since continued unabated. At the outset of the war, over 100,000 Palestinians were drive out of the West Bank. Senior officials of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reported that in many cases the Israelis forced the Palestinians out by bombing the refugee camps. In several West Bank towns Israeli loudspeaker vans issued the dire warning: " We cannot tell what will happen if your remain!" 6/ In all, around 400,000 Palestinians were expelled from the newly-occupied Palestine lands - some of them for the second time since 1948.

Since then, the Israeli Government has been pursuing a policy of creeping annexation in the occupied West Bank and Gaza Strip. It began with Old Jerusalem soon after the June war. And over the last 14 years, at least 133 illegal Jewish settlements have been established in the West Bank. It is to be recalled that even before the more aggressive Likud coalition had come to power in 1977, the then ruling Labour Party had earmarked 40 per cent of the occupied territory, including 90 per cent of the arable land and almost all of the water resources of the West Bank, for the proposed Jewish settlements. The Likud has

implemented this plan with fanatical zeal on its own and by lending support to Gush Emunim (Faith Bloc), a military organization engaged in Jewish colonization of the West Bank.

To date, over 80 per cent of the arable land on the West Bank has already been confiscated from its Palestinian owners. And the number of Israelis already settled on the West Bank exceeds 200,000.

On top of all this, the Israeli military administration in the occupied territories has been aiding and abetting systematic pogroms against defenceless Palestinians. Its relentless campaign of expropriation, terrorization and physical liquidation of the Palestinian people is now too well known to permit complacency on the part of the outside world. Frankly speaking, the tormented land of Palestine stands littered with the Zionist versions of Belsen and Auschwitz.

IV

What, then is to be done? The Palestinians have of course chosen the only path open to them to uphold their national rights and human dignity - the path of resolute struggle. This struggle is being waged under the banner of the Palestine Liberation Organization (PLO) whose paramount purpose is to restore Palestine to the Palestinians. The PLO reversed the tide of events in Palestine when its commandos put up fierce resistance at Karamah to a regular, and numerically larger, Israeli force of 4,000, supported by tanks, paratroopers and air strikes. The battle of Karamah on 21 March 1968 was the PLO's baptism of fire and beginning of a determined struggle which it has sustained ever since.

Today, the PLO commands the allegiance and active support not only of the 2 million dispossessed Palestinians living outside Palestine but of the other million living in captivity.

Intensification of the Palestinians' struggle for their fundamental rights has been attended by a deepening of the world's consciousness about the urgency and justness of the Palestine cause. A tangible outcome of this development is the virtual ratification of Security Council resolution 242 (1967) by an overwhelming majority of the United Nations General Assembly.

It may be recalled that resolution 242 (1967) had failed to address itself to the core of Palestine, which it erroneously equated with "the refugee problem". Seven years later, the United Nations General Assembly, on its own initiative, examined the whole question afresh. On 22 November 1974, it adopted a resolution affirming the inalienable rights of the Palestinian people in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty.

In underscoring these positive developments, I do not wish to underestimate the role of negative forces. Curiously enough, a great Power, which professes its concern for human rights, has been in practice sustaining the strangulation of human rights in Palestine. I, of course, refer to the United States of America.

It is common knowledge that the United States has been subsidizing the Zionist State at the rate of \$7,500 a year for each Israeli family. Israel is also the chief recipient of sophisticated United States weaponry in enormous quantities and at concessional rates.

Nor is this all. For the past eight years United States diplomacy has been working overtime to create confusion and discord in the Arab ranks. In the beginning, the exercise was conducted under the plausible cover of "step-by-step" diplomacy". This was followed by a marathon enterprise in dissimulation at Camp David. And the name of the latest game is "strategic consensus".

In conclusion, the struggle for the national rights of the Palestinian people has now entered a decisive phase. The justness of their cause is recognized by people of goodwill everywhere. Even the votaries of realpolitik admit that there can be no peace in the Middle East without a just solution of the Palestine question and that a major war in the region will be catastrophic for the whole world. Above all, the United Nations stands firmly committed to the restoration of Palestinians' rights. In other words, necessary conditions for a real breakthrough do exist. The goal can be achieved by harnessing these conditions in a meaningful and coordinated endeavour.

I fervently hope the present seminar will help to crystallize our thoughts in that direction.

Notes

1/ D. G. Tendulkar, Mahatma, Bombay, 1962, vol. 7, pp. 158-59.

2/ Jawaharlal Nehru, An Autobiography, New York, 1945, p. 417.

3/ Jawaharlal Nehru, Glimpses of World History, Bombay, 1962, p. 789.

4/ Official Records of the General Assembly, Second Session, Supplement No. 11 (A/364),

5/ _____, Boston, 1957, pp. 330-31; and Fred J. Khouri, The Arab-Israeli Dilemma Syracuse, 1968, p. 18.

6/ The Guardian, 13 June 1967.

B. THE PALESTINIAN RIGHT TO SELF-DETERMINATION

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Various scholars have admirably set forth the legal history and the framework within which the Palestinian people's right to self-determination is to be viewed. 1/ In addition, the Committee on the Exercise of the Inalienable Rights of the Palestinian People of the United Nations General Assembly has taken a leading role in encouraging research and thinking on this vital subject. The publications of the Committee reveal a high level of seriousness and compassion as well as a path-breaking attempt to end the years of silence and neglect that have surrounded the Palestinian question. 2/

Indeed, one may affirm that by now an international consensus has been achieved in the community of nations concerning some fundamental aspects of the Palestinian question. This consensus may be summed up in the following manner.

1. Recognition of the Palestinian people's right to self-determination and to return to its homes

In 1969, the United Nations General Assembly, representing all the Members of the United Nations recognized the inalienable rights of the people of Palestine. In 1970 another resolution affirmed that the Assembly "recognized that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations". On 27 November 1974 the Assembly adopted resolution 3236 (XXIX) which declared that the Assembly:

"Reaffirms the inalienable rights of the Palestinian people in Palestine, including:

- (a) The right to self-determination without external interference;
- (b) The right to national independence and sovereignty".

This resolution went on to affirm "the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return".

Other resolutions have repeatedly reaffirmed these basic principles. Furthermore, the Movement of Non-Aligned Countries, the League of Arab States, the Organization of African Unity and the European Economic Community have issued statements on various occasions confirming this consensus.

The United States Government and the State of Israel, two crucial parties to the conflict, so far refuse to accept this consensus. Yet there are indications that even in the United States, informed public opinion no longer supports Israel's contentions as blindly as it had before. Surveys of public opinion by important organizations such as Gallup, Harris and Patrick Caddell's reveal that nearly 60 per cent of those polled nationally since 1975 in fact accept the right of the Palestinians to establish their own separate and independent State and see this as a pre-condition to a settlement of the Near East conflict. The polls also reveal that even among the United States Jewish community, opinion is by far no monolithic; approximately one third of this community believes that the Palestinians are entitled to self-determination and to the creation of their own separate and independent State. There are similar indications that in Israel itself, despite the re-election of Prime Minister Begin, a trend is now emerging, represented by the Peace Movement, that is willing to accept this consensus.

II.

Another component of this consensus is the recognition that the Palestine Liberation Organization (PLO) is the sole legitimate representative of the Palestinian people. Following the recognition by the League of Arab States and by the Summit of Arab Heads of State of this established fact in October 1974, the United Nations General Assembly invited the PLO to participate in its proceedings as an observer. The PLO is now recognized by nearly all international organizations as the representative of the Palestinian people. Its representatives participate in the work of specialized United Nations agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), and the Food and Agriculture Organization of the United Nations (FAO). PLO offices now exist in most third-world countries as well as in Socialist and European countries. An office exists in New York to work at the United Nations and an information office exists even in Washington, D.C.

Among the Palestinians themselves there is almost unanimous acceptance of the leadership of the PLO. Numerous attempts have nevertheless been made to bypass the PLO and to create an alternate leadership. These attempts, encouraged by the United States, have failed. This failure is dramatically illustrated by the repeated declarations of Palestinian mayors in the West Bank and Gaza, by opinion leaders, and even by schoolchildren that the PLO is their only legitimate representative. At a great cost to their life, the Palestinians under occupation continuously affirm and reaffirm their support of the PLO as their representative. Efforts by the various American Administrations to cast doubt on the representative nature of the PLO have equally failed. Even in the United States, there is increasing recognition within the public as well as among the media and in Congress that the PLO does in fact represent the Palestinian people, and that the Palestinians are a reality that has to be accepted.

III.

A third element of this international consensus is the recognition that no settlement can be achieved without the full participation of the Palestinian people and its representative, the PLO, in all discussions, negotiations or conferences. Furthermore, the Palestinian question is seen both at the level of political theory as well as in practice as the core problem in the Near East conflict. This is why the Camp David agreements essentially failed; they failed to deal with this central fact and pretended that the problem could be settled through regional agreements between States or through minor territorial adjustments.

It has by now become a truism that no peace may be achieved in the region without an honest attempt to deal with the core problem of the Palestinian people on the basis of resolutions adopted by the General Assembly representing the will of the community of nations. As if to underscore this important fact, the recent summit of Western leaders in Ottawa was completely dominated by the conflict in the Near East and more specifically by the Palestinian question. It is rather ironic that, even with the posture of non-recognition that the various United States Administrations have maintained toward the Palestinians, the undeniable fact is that every Administration since Mr. Nixon's has been consumed by the problem and endless hours are spent on how to deal with it.

It is our contention that the implementation of this consensus is simply a matter of time. The Palestinians will achieve self-determination in their homeland. The historical process is already in motion and the moral and diplomatic balance of forces have already shifted in favour of the Palestinians. The notable successes achieved by the Palestinians on the international level, their crucial participation in mediation efforts in the region - between Iraq and the Islamic Republic of Iran for example - their success in establishing viable social, economic and cultural institutions, and above all their persistence in the face of adversity are crucial indicators that they can neither be willed away nor reduced to silence. The Powers of the region as well as the major world Powers will have to confront these facts and deal with them.

The failure of various United States Administrations to accept the international consensus has encouraged Israel to seek a military solution to the problem. The resulting savagery with which Israel has escalated its attacks against civilian populations in Beirut and in the south of Lebanon may be partly due to the fact that the moral and diplomatic balance of forces has shifted away from them in favour of the international consensus. Isolated in the international community - and increasingly dependent on its only major ally, the United States - Israel steadfastly rejects the moral and diplomatic will of the world community and continues its violations of human rights, its settlement policy and its attacks against civilians in Lebanon.

Enlightened liberal opinion in the United States is now beginning to raise some serious questions about the nature of the United States' relationship with the State of Israel. A distinction is being made between supporting Israel's right to exist and supporting its colonial practices in the West Bank and Gaza or its wanton attacks against its neighbours. Furthermore, as the State of Israel is reduced, because of its isolation, to reliance on regimes such as South Africa or political forces such as the so-called Moral Majority - in the main quite an anti-Semitic group - its support in the United States begins to narrow to discredited circles. Alex Cockburn, writing in The Village Voice on 24 June 1981 expresses this trend in the following manner:

"If Stephen Biko's heirs erupt in the streets of Soweto again, Israeli-made Uzi submachine guns may well slaughter them. One day it is theoretically imaginable that a squadron of Mozambican planes ... will take off from Maputo and fly across the border to South Africa's nuclear reactor (like Israel's not open to international inspection) and possibly kill in the process Israeli scientists and technicians advising the South Africans. And if the South Africans have indeed perfected nuclear weapons, on whom do they propose to drop them? Stephen Biko would doubtless have had some ideas on the matter."

The pattern that seems by now well established links Israel with, in addition to South Africa, such regimes as that of Somoza in Nicaragua, the Shah of Iran, and other similarly discredited entities. By contrast, the Palestinians have established links with those who are struggling against oppression and exploitation. Their struggle has therefore come to symbolize, for millions of people, the revolt of the oppressed against tyranny, injustice and discrimination.

For the international consensus to become a reality, the Arab Governments must attempt to use their enormous political and economic leverage. So far, intra-Arab and intraregional problems have sidetracked efforts to lobby for forceful implementation of the resolutions of the international community.

Rhetorical support of the right of the Palestinians to self-determination is no longer an adequate response to the facts established by Israel in contravention of the will of the community of nations.

If there is any well-established dictum in contemporary international affairs, it certainly must be the following: that peace based on a just settlement within the framework of United Nations

resolutions is definitely in the interests of the countries of the region as well as in the interests of world peace. The Palestinians, in their homeland, restored to the community of nations, will undoubtedly contribute to the development of the region and to international efforts within the spirit of the Charter of the United Nations.

A brief look at the evolution of Palestinian identity and consciousness as well as the development of Palestinian socio-economic institutions will reveal the extent to which the Palestinian people desperately wants to assume its rightful place in the world. Rooted in the culture and history of the region, the Palestinians define themselves as Arabs who have shared with other Arabs their nationalist sentiments and their struggle for independence and unity. They participated fully in the early Arab nationalist movement and injected it with their secular vision. They fought against Ottoman domination, the British Mandate and Zionist settler colonialism. They have steadfastly rejected all efforts at the division of their country as well as efforts designed to force them to assimilate in the region. In the contemporary period (from 1917 on) the Palestinians affirmed for themselves what Erik Erikson calls a "negative identity" and what others have called a "politics of rejection". This reaction was logical in view of attempts by the British Mandate and by the Zionist movement to eliminate them from the history of the region and to reduce them to a minority in their own homeland. So the Palestinians, to a large extent, were perceived - even by themselves - as a collection of negative attributes. They have rejected and condemned the injustices committed against them, the attempts to divide their country, their forced eviction from their homes, their exile, their torture and the blanket of silence that condemned them, adding insult to injury, to non-existence.

The more recent period, following 1970 and the self-critique performed by the movement, reflects a positive assertion of the self. Again the Palestinian problem assumed centre stage in world affairs. A new generation of Palestinians, highly skilled and politically effective, assumed the leadership of their people. They were better able than previous generations to present their case to the world.

The evolution of this positive assertive self was painful indeed; but it represents a massive victory of will against seemingly insurmountable odds. The PLO created an institution which gathers all Palestinians regardless of their ideological differences in a common structure and a joint effort. The movement created representative bodies such as the Palestine National Council where all shades of opinion are reflected and freely expressed in a manner that stands in sharp contrast to the absence of such democratic institutions in the region.

Any meeting of the Palestine National Council, a broadly representative national body in the Arab world, actually debates important matters in a totally democratic way. The PLO, its Executive Committee, Mr. Yasser Arafat himself and the rest of the leadership are subjected to minute, critical scrutiny. There is no Arab country in which such things can go on.

The PLO has also created trade unions, an extensive social security apparatus which caters to the needs of the poor, the disabled, and the thousands of children of martyrs. They created schools, nurseries, clinics, hospitals, nursing schools, research centres, factories, farms, cooperatives, self-help organizations, and institutes of advanced learning. A team of educators, working through UNESCO, recently completed for the PLO a feasibility study to establish a Palestine open university. The project is so innovative and so far-reaching in its pedagogical implications that educational standards and curricula in the region will have to change in order to match it. The supreme irony is that at the time when the Israeli air force was bombing Beirut, many in the leadership were gathered to discuss, among other things, ways of establishing this Palestine open university.

The resiliency of the Palestinians and their will to survive are little short of amazing. The politics of rejection is now superseded by the politics of hope and revolutionary transformation. From refugees they have transformed themselves into the most significant political, cultural and social force in the region. As one analyst says: "No Arab community has in so short a period of time - a little less than a generation - reflected so deeply and so seriously as a community on the meaning of its history, the meaning of pluralistic society given the dismal fate of its multi-ethnic communities in the world, the meaning of national independence and self-determination against a background of exile, imperialist oppression, colonialist dispossession." 3/ Palestinian identity has been indelibly linked in various ways to the Zionist movement and later to the State of Israel. But, unlike other liberation movements, the Palestinian resistance has had to contend with a unique phenomenon. The crimes committed against the Palestinians were done by the remnants of a tortured and persecuted people. The moral outcry against the holocaust in Europe overshadowed the forcible eviction of Palestinians from their homes and massacres such as Deir Yassin. The State that was confiscating their land was making room for oppressed Jews from Europe. Later, the same State that treated them as third-rate citizens was a haven of democracy and freedom for its own people.

This cycle of contradictions that enabled one persecuted group to persecute another in the shadows of morality was ultimately broken in 1967. Israel became an occupier, a colonialist Power using the same defence regulations inherited from the previous colonial Power against a recalcitrant people.

From Israel Zangwill, to the late Golda Meir, to Prime Minister Begin, Palestinians simply do not exist - meaning, of course, as a people with an identity. By contrast, the Palestinians fully recognize the reality with which they must deal. The Palestinians have offered a vision of secularism and democracy that includes the right of Jews, among others, to live in equality, peace and tranquility in the region. Furthermore, the Palestinians have carried on discussions with various segments of Israeli society that are willing to recognize their right to self-determination. But the openness of the Palestinians to dialogue is met by rigid denials of their right to determine their own destiny.

The Camp David framework illustrates this denial dramatically. Instead of asserting the right to self-determination, the Camp David framework talks about permitting the Palestinians to "participate in determining their own future". Earlier when Mr. Carter declared that the Palestinians need a "homeland" he abrogated for himself the right to cast the first ballot by announcing that such a homeland will have to be linked either to Israel or to Jordan. The failure of the Camp David framework represents the ultimate failure of attempts to establish bantustans or "reservations" for the Palestinians. Ultimately, there is simply no substitute - and this is coming - to recognizing fully and unambiguously that the right to self-determination without external interference is the key to peace in the region.

Self-determination, for the Palestinians, is no mere slogan that hides evil intent any more than a concept to be toyed with in the chanceries of the great Powers. Self-determination is not a psychological concept that is designed to heal hurt pride and to offer the mere compensation of a flag, a passport and a title. For the Palestinian people, self-determination has a particularly human and concrete dimension. So what does self-determination mean, at the level of everyday life, for the Palestinians?

Obviously, it means the end of an unacceptable status quo. There are now approximately 4 million Palestinians, of whom 650,000 live as third-class citizens in Israel - the first class being the Ashkenazi Jews and the second, the Sephardic Jews. One million live on the West Bank and Gaza under Israeli military rule. These people suffer on a daily basis the possibility of arbitrary arrest and detention without charge. The London Times, the Washington Post as well as Amnesty International and other international bodies maintain that torture of Palestinians is a systematic policy of the State of Israel. The State of Israel has confiscated nearly one third of the total land area. New settlements are created and approximately 20,000 settlers now live in nearly 130 illegal settlements. 4/ A Palestinian farmer wakes up one day and finds a barbed-wire fence separating his house from his land, the source of his subsistence. His land is confiscated for alleged "security reasons". He has no legal recourse and no way to object. Nearly every family has had at least one person in prison or in detention over the last 14 years of occupation. The blowing up of homes is done on a systematic basis. Economic discrimination against the West Bank and Gaza exists under a situation of nearly 170 per cent inflation and seems to be designed to encourage the exodus of Palestinians from their homes. Leaders of the community have been deported and others have been killed and/or maimed in an attempt to silence opposition. Universities at Bir Zeit, Bethlehem and Nablus are harassed and closed periodically. Teachers are restricted; the schools have to pay import duties on equipment and research materials contrary to the practice applied to Israeli universities; and the staff are constantly threatened with deportation. A recent military order No. 854 - there are obviously 853 preceding orders - makes it a crime to sing a nationalist song or to exhibit the colours of the Palestinian flag.

Another 1 million Palestinians live in Jordan. Nearly 75 per cent of them still live in refugee camps. Even though they are permitted to carry Jordanian passports they strongly identify themselves as Palestinians. Some half a million more live in Lebanon, against mostly in the camps or in shanty towns. They suffer, along with the Lebanese, the daily bombings of the Israeli air force as well as the navy and artillery. The balance are scattered in the Syrian Arab Republic, in the States adjacent to the Persian Gulf, and in North and South America.

All Palestinians share the experience of exile, uprootedness and the desire to return to their homes. Those who live in Israel or under occupation suffer from internal exile - the feeling of not belonging even in their own homes. Their literature shows a deep, almost mystical attachment to their land. As Tawfiq Zayyad, a well-known Palestinian poet and Mayor of Nazareth says:

Here we have a past a present and a future
Our roots are entrenched
Deep in the earth.
Like twenty impossibles
We shall remain. 5/

Whether a Palestinian is born in New York, in Beirut or in Kuwait, he will identify himself as coming from Haifa, Acre or Jerusalem. Nationalist identification is transmitted from generation to generation and sustains the Palestinian community in its perseverance. Furthermore, history seems to repeat itself with such consistency that the massacres of Tal Za'atar in 1976 become for one generation what the massacre of Deir Yassin was for an earlier one. The exodus of 1967 was a rerun of the exodus of 1948; in March 1978, following the massive Israeli invasion of the south of Lebanon, television produced a rerun of the same exodus. The notion therefore that, as the Palestinians become historically removed from their tragedy they will ultimately forget, is sheer nonsense. The idea that they might get tired and quit is another exercise in self-delusion.

Many of the Palestinians who live in the Arab world have achieved wealth and status. Yet, in their elegant flats in Beirut and elsewhere they keep jars of Palestinian soil to remind them of their roots. The problems of exile and dispersion notwithstanding, the Palestinians have achieved a highly united sense of their national self. To have galvanized their widely scattered population in a dynamic movement of national liberation is a clear indication that this people will not die and will certainly not be swept under the rug of history. For them, the right to self-determination ultimately means the right to live as decent human beings in their own homes, free from outside interference, free to choose their own leaders and free to establish their own institutions. It also means the ability to alleviate the human suffering, to eliminate the countless personal tragedies, the betrayals, the discrimination, and the prejudice that keep them hovering between their dreams and their reality.

For the region as a whole, peace begins in Palestine and war begins in Palestine. A fair and

equitable settlement of this tragic problem is not only imperative, it is urgent. Any settlement must, at the very minimum, honour the international consensus representing the will of the international community. This consensus must be implemented. It is our responsibility to work, each in his own capacity, toward implementing it as soon as possible. The cause of peace and the lives of so many depend upon it.

Notes

1/ W. Thomas Mallison and Sally Mallison, An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question (United Nations Publication, Sales No. E.79.I.19); "The national rights of the people of Palestine", Journal of Palestine Studies, vol. IX, No. 4, 1980, pp. 119-130.

2/ "The international status of the Palestinian people" (1979); "The Question of Palestine" (1979); "Israel's policy on the West Bank water resources" (1980); "The Status of Jerusalem" (1979).

3/ Edward Said, The Question of Palestine (New York, Times Books, 1979), especially chap. 3.

4/ Ann Lesch, "Israeli settlements in the occupied territories", Journal of Palestine Studies, vol. VII, No. 1, 1977, pp. 26-47.

5/ Enemy of the Sun: Poetry of the Palestinian Resistance, ed. Naseer Aruri and Edmund Ghareeb, 1970.

C. CERTAIN ASPECTS OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

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It is impossible to make any sort of worthwhile analysis of the situation in the Middle East without taking into account an immutable fact: the existence of a Palestinian nation. In a world very often accustomed to seeing the situation in the region in the light and the perspective given to it by Israeli policy, the ideas behind the resistance movement must be presented as a revolutionary, independently Palestinian factor. The Palestinian question is the crux of the Middle East problem and, consequently, no stable and lasting solution can be envisaged in the region which would not take full account of the inalienable rights of the Palestinian people. The Palestinian Arabs currently possess none of the structures of a State. But a "nation on the move" can exist and can have a profound aspiration for a State of its own.

There are at least three basic factors behind the success achieved by the resistance movement.

(a) The changes within the Palestinian movement itself. Up to 1973, the priority given to the military side prevented the Fedayeen organizations from engaging in more varied forms of struggle and from taking coherent action at the political level. The lack of any sort of minimal programme prevented the resistance movement, for a long time, from gaining new allies. Once such a programme was drawn up, the Palestine Liberation Organization (PLO) was able to win over to its cause the majority of Members of the United Nations.

(b) The next factor, which allowed the resistance movement to assert itself internationally, was the failure of the efforts made by certain Arab countries to impose a solution which, to a greater or lesser degree, suited their interests.

(c) The third and last factor, which explains the ease with which the resistance movement accomplished its diplomatic breakthrough, is the situation in the Western world since the start of the energy crisis. By identifying this crisis with the Israeli-Arab conflict, Western public opinion became aware, for the first time, of the existence of the Palestinian problem and thus gave Western Governments the chance of acting more freely than before with respect to Israel by establishing with the Arab world economic relations capable of mitigating the effects of the crisis. In order for this initiative to succeed without major difficulties, European leaders absolutely need to normalize their relations with the PLO, since it is currently the only political force to be listened to by people in all the Arab countries.

Through these three factors, the recognition by the vast majority of the Palestinian reality, its national aspect and the threefold claim to self-determination, to independence and national sovereignty, and to return, was resoundingly confirmed.

In order better to understand the problem, we must go back in time. The decision of the General Assembly of 29 November 1947 on the partition of Palestine into two States - a Jewish State and an Arab State linked by an economic union - was the result of the situation which had arisen in Palestine after the Second World War (influx of Jewish settlers over the years, intensification of the clashes between them and the indigenous Arab population which went as far as open armed struggle). Jerusalem was considered as a separate entity.

Following the first Arab-Israeli war, the United Nations decisions on the partition of Palestine

were not implemented. Part of the territories which were to have made up the Palestinian Arab State, as well as west Jerusalem, found themselves under Israeli control. This did not, however, mean that the United Nations decision on the partition of Palestine and on the right of Palestinian Arabs to their own State was no longer binding. Nevertheless, in the 1950s and 1960s, efforts were made in the international arena to reduce the Palestinian problem to a question of refugees. The well-known Security Council resolution 242 (1967) of 22 November 1967 also represented such an approach. After the defeat suffered in the first Israeli-Arab war, Palestinian Arabs were for a long time not in a position to fight for their own rights. At that time, they supported primarily the idea of the liberation of Palestine by the armies of the Arab countries.

In 1964, the PLO was founded. The following year, the Al-Fatah organization took up arms again. The rapid development of Palestinian military organizations goes back to the 1967 war and the military defeat suffered by the Arab countries. Palestinians were persuaded that Palestine could not be liberated by the Arab armies alone. The outcome of the national liberation struggles in the third world countries were also influential in this respect.

The following years saw the development of Palestinian national awareness. The Palestinian movement's success in opposing the Israeli attack at Al-Karameh in 1968 underlined the growing importance of the Palestinian factor in the Middle East conflict. A growing number of States considered that, if lasting peace was to be established in the Middle East, action aimed at solving the refugee problem was not enough. The adoption by the General Assembly on 10 December 1969 of resolution 2535 (XXV) confirming the inalienable rights of the Palestinian people marked a clear shift from viewing the issue as a problem of Arab refugees to viewing it as a problem of the people of Palestine.

The following year, the confirmation of the right of the Palestinians to self-determination represented a new step forward. Under the General Assembly resolution 3210 (XXIX) of 14 October 1974, the PLO was recognized as the representative of the Palestinian people and was invited to take part in the work of the twenty-ninth session on the question of Palestine. It subsequently obtained observer status at the United Nations. The establishment of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the hard work of that body made for a global approach to Palestinian national rights and their inclusion in the recommendations of the thirty-first session of the General Assembly. The opinion submitted by the Committee at the thirty-fourth session of the General Assembly that the Camp David agreements did not take account of the inalienable rights of the Palestinian people and had been negotiated without the participation of the PLO, in contravention of paragraph 4 of General Assembly resolution 33/28 of 7 December 1978, deserves attention.

The possibilities open to the Committee for achieving a just solution of the Palestinian problem are of course limited. The decisions taken on the subject in the international forum demonstrate, however, that if account is not taken of national rights, the Palestinian question cannot be settled.

It may thus be said that numerous United Nations documents adopted by a large majority of States reflect the inalienability of the rights of the Palestinian people.

In this context, the inalienable rights of the Palestinian people are as follows:

First, the right to self-determination and to the establishment of an independent and sovereign State;

Secondly, the inadmissibility of the acquisition of territory by force;

Thirdly, the right of the PLO, as the representative of the Palestinian people, to participate on an equal footing in the search for a just solution to the problem of Palestine;

Fourthly, the right of Palestinians who have been displaced and uprooted, to return to their homes.

The right to self-determination is a fundamental element of the modern international political order established by the United Nations Charter. It is one of the basic factors of understanding among peoples and nations; in other words, it determines peace. No one can claim that right for one people while denying it to another. This right should be exercised without external interference. It is linked to the right to establish one's own independent State, in Palestine, as an undisputed right equal to the right of all peoples to independence. It may be said that the right to establish an independent State is included in the concept of the right to self-determination. It is the duty and responsibility of the international community to enable the Palestinians to exercise their right to self-determination.

Any settlement must provide for the application of all the principles contained in the Security Council resolution and, in particular, resolution 242 (1967), which establishes the inadmissibility of the acquisition of territory by force and respect for the sovereignty and territorial integrity of all States in the region.

Despite the decision of the international community which reflect those resolutions and recommendations, Israel is continuing to strengthen its illegal occupation of the Arab territories and to apply measures aimed at changing the physical nature, demographic composition and institutional structure, as well as the status of the territories occupied since 1967, including the holy city of Jerusalem. Resolution 465 (1980), unanimously adopted by the Security Council on 1 March 1980, affirms that the measures adopted by Israel in the occupied territories and in the holy city of Jerusalem are considered null and void.

Israel's policy of occupation will only increase Palestinian despair and lead to new acts of violence. There is no doubt that the fourth Geneva Convention of 1949 is fully applicable to the occupied territories.

The settlement policy is a flagrant violation of that Convention.

There can be no successful settlement of the Palestine question without the participation of the Palestinian people - a people whose sole legitimate representative, the PLO, should participate directly on an equal footing with the other participants in any negotiation dealing with the Middle East crisis or dealing, directly or indirectly with the question of Palestine.

One positive sign is that in recent years there has been a considerable increase in the number of people who recognize this right. This can be seen from a growing international interest in the Palestinian question, greater solidarity with the Palestinian cause and a constant increase in the number of votes in favour of United Nations resolutions calling for settlement of the question.

Poland supported the 1947 General Assembly resolution on the partition of Palestine. Like many States in the world, we recognized the political realities which existed at that time in the Middle East, i.e., that there were two peoples in the territory of Palestine unable to coexist peacefully within a single State.

The partition into two States seemed to be a sound solution. In the following years, Poland did not submit the problem of establishing the Palestinian State to the United Nations, in view of the unrealistic approach to the Palestinian question on the part of the Arab countries. However, we supported all initiatives aimed at avoiding tension in the region. We actively supported the rights of the Palestinian people when, in 1969, the matter was raised again at the United Nations. We have given our support to all resolutions recognizing the rights of the Palestinians.

Poland's position with respect to the question of Palestine stresses the withdrawal of Israeli forces from all the territories occupied in 1967, the restoration of the right of the Arab people of Palestine to self-determination, including the establishment of its own independent State, and the protection of the sovereignty and security of all States in the region. The political settlement of the question also demands that no one should take measures which might make it more difficult to achieve these goals and that no State should interfere in the internal affairs of the countries or peoples of the region.

The seriousness with which Poland takes this stand and its genuine interest in seeking an overall and lasting solution to the problems of the Middle East can be seen not only in words but in deeds, through our active commitment. Suffice it to mention the honourable service of several thousand Polish soldiers in the United Nations forces in the region.

D. THE USE OF PALESTINIAN WATERS AND INTERNATIONAL LAW

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Introduction

The problems concerning the use of the Palestinian territories occupied by Israel deserve more attention than they have received in the Western media. They are linked with the dichotomy created by the claim of a people to "return" to a land, exercised at the expense of another's to live and develop in theirs.

Some observers declare that the desert now "blooms", only because large tracts of once fertile Palestinian territory have turned into barren wasteland. This paper asserts that under international law the occupying Power in Palestine cannot have a free hand to effect such a change.

Expansion and dependence

The use of Palestinian waters by Israel is linked with the escalated designs of the occupying Power for complete annexation of the occupied territories and turning them into satellites of the Israeli economy in ways more than one. The Israeli policies in the West Bank and Gaza Strip are geared towards reducing these areas to the status of "colonies". When these two areas were occupied in 1967, their economies were already underdeveloped and labour force greatly undermined by continuous emigration. The economy of the occupied territories became dependent on the dominant Israeli economy, and a dependent specialization was imposed on them. ^{1/} This specialization was based on products and labour most needed for Israel. A so-called "division of labour" similar to the one between the developed capitalist societies and the developing countries was created between Israel and the occupied territories.

With regard to agriculture, the Israeli authorities imposed various restrictions on the export of a number of products to Israel while they pressured Palestinians to grow products needed by them. In addition to this unequal transfer of value in agriculture, Palestinian labour is directly exploited inside Israel, where the number of Arab workers is rising steadily. This channelling of the Arab labour force to unskilled manual work is accompanied by discrimination in wages, health and other benefits. The rapid decrease in the number of productive workers employed in the occupied territories serves to illustrate the destructive effect of Israeli policy on the economy of the West Bank and Gaza. If there is an increase in the purchasing power of the population, this is not the result of the development of the productive forces in the occupied territories; it is on account of increased employment. But the income earned from employment in Israel is spent on purchasing Israeli goods. Most of the native people are without electricity and water.

Settlements and Palestinian bantustans

The occupation of the Palestinian territories and the transformation of their economic structure go hand in hand with colonial settlement. The Israeli authorities planned a full-scale settlement project, beginning with agricultural-military enclaves and followed by urban industrialized centres. In later stages, the Israelis concentrated on changing the demographic composition of the areas by establishing Jewish centres that insulate the Arab population of the occupied territories into small pockets surrounded by these new settlements. The Israeli authorities began a campaign of confiscating Arab land as well as cutting their water supplies. These policies, designed to alter the Arab outlook of the occupied territories, are diminutive of the character of Zionism. The destruction of Arab villages, forced deportations, collective punishments, systematic undermining of native culture, denial of basic human rights and confiscation of natural resources, are all manifestations of the same character.

The Israeli Government promotes new settlements as a step toward annexation of the occupied territories. Following the first anniversary of the Camp David accords, an Israeli cabinet spokesman had announced that occupied Arab lands would be made available for purchase by Jewish settlers. The plan for the sale of such territory is a slap in the face to all international conventions regarding the conduct of an occupation force. The promotion of settlements itself constitutes a violation of article 49 (6) of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Israel's policy seems to be designed to "create facts" to render impossible any solution other than incorporation of the West Bank and Gaza with Israel. The native Arabs, on the other hand, recognize the settlements as most threatening because, regardless of their location, size and stated purpose, they seem to be a euphemism for the theft of their land. Among others, Dr. Israel Shahak, the former Chairman of the Israeli League for Human and Civil Rights and professor at the Hebrew University at Jerusalem, exposed several times the sort of Palestinian bantustans which Israel intends to create on the occupied territories.

Palestinian waters and the West Bank

What concerns us here directly is that each new Jewish settlement has established a complete system of irrigation besides big water reservoirs in the event of shortage. The water resources of Palestine are being exploited (a) from the underground aquifer which feeds the Israeli coastal plain, and also (b) to supply the settlements which Israel has established throughout the occupied territories.

Palestine is situated between a subtropical rainy region in the north and a desert zone in the south. All major water resources are concentrated in the north, the most important being the Jordan River and its tributaries, which collect the rainfall of the Hermon basin.

The physical geography of Palestine is surprisingly complex. In the extreme north, the hills of the Lebanon range continue without break to form the uplands of Galilee. The Galilee hills fall away steeply on the east to the Jordan Valley, on the west to a narrow coastal plain and to the south at the Plain of Esdraelon. At its western end, the valley opens into the Bay of Acre, but narrows inland to open out again where it joins the Jordan Valley. The lowland area here has very fertile soil. In the north, the plateau erodes into valleys, some of which are fertile. This portion of the land centres on Nablus and Jenin. Further south, rainfall is reduced, streams are fewer and the landscape arid. Jerusalem, Bethlehem and Hebron are the main towns. In the north-east, one reaches an area of semi-desert. In the extreme south, one finds the Negev, consisting of steppe or semi-desert, bounded by the lower Jordan Valley on the east and the Sinai Desert on the west. The low coastal plain stretches from Haifa to Gaza.

Most of the water in the West Bank flows into a huge natural ground reservoir underneath the western hills. Together with supplies from the Jordan River and smaller rivulets, the area has about 850 million cubic metres of water at its disposal annually. However, about 620 million cubic metres of this amount can be used. The rainfall on the western slopes of the West Bank highlands feeds the aquifer beneath the Israeli coastal plain, from where it is pumped to the surface. Approximately 30 per cent of the total water Israelis use within the Green Line, the old pre-1967 border, originates as rainfall in the West Bank. It is asserted that Israel would face economic catastrophe if it lost its access to this rainfall. Hence, a nightmare of Israeli water planners is an independent Palestinian State on the West Bank, which uses its water potential for its own development. It has also been argued that one important reason for the Six Day War was the Israeli desire to control the water resources.

Since 1967, Israel has drilled deep wells near the border of the West Bank, tapping the underground water reservoir. An increasing amount of the West Bank reserves are thus being diverted to the territories occupied in 1948. Exploited to the maximum, any further pumping would put the water level below sea level and thus make it salty. The Palestinian peasants have to watch powerlessly as their wells and springs slowly become salty and finally dry up completely.

These resources are administered by the Israeli Water Commission, headed by the Water Commissioner, under the authority of the Minister of Agriculture. The Commission is divided into a number of departments of which Mekorot (Israeli water company) is responsible for the construction of irrigation and water supply projects and Tahal (Water planning company), for the overall planning of water development projects. Mekorot was established in 1936 by the Jewish Agency and the Histadrut. The Israeli Government currently has a one third share in the Mekorot. Tahal was established in 1952 as a company of the Israeli Government, which controls 52 per cent of the shares. Where water supplies are not channelled through either of the two, authority rests with the Water Commission's Department for Water Allocation and

Certification. Since 1967, the Israeli Water Commission has directly controlled the water resources of the territories occupied at the end of the Six Day War. The pre-1967 Israeli water economy was integrated into a central national water carrier system, consisting of open canals (the Jordan and the Netupha Canals), tunnels (Menashe A and B, Shimron and Eilabun), water reservoirs (Tzalman and Eshkol) and a pipeline. This system carries water from the north to the southern areas.

Israel wants to continue this control both because of the danger to water reserves inside the Green Line and because it will be impossible to establish new settlements without such supervision. The use of water is necessarily connected with Israeli positions on aspects of so-called "autonomy" in the occupied territories. After returning from the Camp David talks in 1978, Menachem Begin had appointed a committee to formulate Israeli positions in this respect. The committee received a memorandum from the Israeli Water Commission, stating that not only did a free hand in establishing new settlements in the occupied areas depend on continuing Israeli control over the water resources in any "autonomy" scheme in the West Bank, but also that Israeli water needs within the Green Line necessitated the same control. The Israeli Cabinet was likewise advised that Israeli ought to have the final say in the use of waters in any kind of arrangements.

The gravity of the situation becomes more apparent when one remembers that the Israeli water consumption increases by 15 to 20 million cubic metres annually. The difference between the supply and demand is being met through overpumping, one result of which is that the water resources of Palestine are now threatened by salinity. It is estimated that the future increase in urban population and in standards of living would necessitate the development of close to additional 400 million cubic metres of water toward 1990.

Israel's use of West Bank waters is a clear and gross violation of the Fourth Geneva Convention of 1949. On account of the calculated Israeli position, many Arab villages and towns have lost their water. For instance, the banana and citrus groves around the Palestinian village of Al-Auja 2/ in the Jordan Valley have died. Al-Auja is situated near Ariha (Jericho), believed to be one of the oldest continually inhabited towns in the globe. Its inhabitants have been tapping water in the highlands and growing bananas and citrus fruits. These products provided, in the past, a decent living for farmers, most of whom are smallholders.

However, the irrigation canals are now cracked; the pipe built in 1954, to bring the water to the valley and the village, has completely dried up; the fruit trees are sunburnt, and the brown colour of even the pine trees indicates that drought is near. Even the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which runs a camp in this locality, has to get its water by tanker everyday.

This radical change was inevitable because the Israeli occupation authorities have drilled three wells around the water source that gave life to the Jericho oasis. Alongside the canal and also beneath the ground, there are two new pipes which supply water to the Israeli settlements. These pipes are fed by two deep bore wells, with two pumping stations equipped with electric generator and diesel pumps, sucking water at about 250 cubic metres an hour. The third deep well was sunk behind a low hill. Consequently, the Al-Auja spring, which irrigated fruit trees to a bright green, even on the hottest days of summer, is now dry. The loss of irrigation first killed about 375 acres of bananas and some 100 acres of citrus groves. The Al-Auja farmers also used to plant three crops a year of melons and vegetables on 500 acres. But crops thrive in the new Israeli settlements of Gilgal, Naaran and Yitav, built on confiscated Arab land. The Palestinians carry water on donkeyback from the two taps which the Israeli authorities opened to provide limited quantities of water for home consumption. The inhabitants of Al-Auja appealed to the Israeli authorities to stop the pumping away of the water or permit the villagers to drill a new well. The military authorities have declined the suggestions. In the meantime, the Israeli settlements are becoming greener. Gilgal is a small kibbutz, comprising of about 80 families. But Israel has made up plans for a total of 8,000 settlers in the West Bank by 1995. This figure is still very small compared to the Palestinian population there, but the settlers control about half of the land around Ariha, and he who controls the water resources is sovereign over the West Bank.

Likewise, the villages of Bardala and Tal al-Baida 3/ have also lost their water. Bardala is a small hill village, 5 miles from the Jordan River and 10 miles south of Beit Shean. Some of the inhabitants have fled, and those who have stayed depend on a well in the valley below. The well that the Israelis built in 1968 is much deeper than the Arab one and very close to it. The Arab reservoir is now dry, and the Israeli water authority suggested to the village mukhtar that Bardala be connected to the Israeli supply. As farmers, the Arabs cannot survive without adequate water. But they are reluctant to take a step that will make them wholly dependent on Israel.

The springs of a nearby village, Tal al-Baida, have been reduced to muddy ponds. Here, the village leaders have accepted connection to the Israeli system. The Israelis claim that they are helping the West Bankers by passing on their technical skills in irrigation. But this cannot compensate for the loss of water, which is their most precious resource. Prior to 1970, the central spring in the village of Tal al-Baida supplied 80 cubic metres of water per hour. By the summer of 1976, the output of the spring had declined to five cubic metres.

The same phenomenon is true with the villages of Jenin, Beit Dibs, Toubas, Salfit, Jiftlik and others. For example, on 14 August 1979, the citizens of Jenin in the West Bank asked for permission to dig wells in their area instead of depending on the well of the village in Arabeh. Their request was refused. In the village of Beit Dibs, 80 per cent of the cultivated land has become arid, while 90 per cent of its inhabitants were dependent on agriculture for their livelihood. In a press conference held on 23 January 1980, Hashem Saleh, the Mayor of Toubas, warned of the grave dangers lying in the well drilling activities of the Israeli authorities in the Toubas region. 4/ He said that over 140 water projects had been drawn up while Palestinian requests for permission to sink wells were almost invariably turned down. The Mayor

elaborated that the Israeli authorities had sealed off 80,000 dunums of fertile land belong to the Palestinian inhabitants of Toubas. Similarly, wells were being bored to supply a number of villages in the Salfit area, west of Nablus. In 1979, after refusing for 12 years (since 1967) permission for completion of the project, the Israelis themselves finished it; but they have pumped it to the Jewish settlement of El Kana instead.

There are instances where official refusal to permit improvement of Palestinian agricultural water supply can be explained only by the Israelis' determination to prevent the development of the native people. At Jiflik, in the Jordan Valley, the farmers are irrigating their crops by utilizing the traditional system of ditches. A United States voluntary organization provided the funds to replace the open canals with pipes in order to conserve the water lost on account of evaporation. Although this project did not involve drawing more water, the Israeli Government refused the permit.

Nor is it only the villages that are adversely affected. The town of Ramallah has lost its main source of water, the spring at Ain Samiya. The political consequences are clear: it makes it even harder than it already is to envisage a future in which Jerusalem and Ramallah will be in different countries.

The West Bank municipality of Ramallah has been pressured into agreeing to take some water from the Israeli water carrier system. Many Palestinians resisted against this partial integration into the national Israeli water network since this move constituted one more step in Israeli plans to integrate the occupied areas.

Since 1967, the Israeli authorities thwarted a number of attempts by the Ramallah Water Board to create an autonomous water supply system sufficient to meet the area's needs. For instance, when Israel occupied the West Bank in 1967, the Jordanian Government was nearing completion of a project to increase the water supply to Ramallah by digging new wells 12 miles to the west at Shibteen. With occupation, the Israelis ordered the well-diggings to stop. While the area became dry and many of the farmers turned to wage labour, the Israeli settlement of Kfar Shuba, within sight of the new desert, has received permission to bore new wells for its own use.

The Gaza Strip, the Golan and Litani River

In Gaza as well, new Israeli settlements are diverting the water supplies. Israeli colonization in Gaza and the Rafah Approaches is heavy. In the former, there are five (Netzer Hazani, Kativ, Ganei Tal, Moraq and Kfar Daron) settlements, additional ones in their way of establishment. In the latter, there are 15 settlements in addition to the city of Yamit. The Gazans owe their livelihood to agriculture, with citrus production accounting for one quarter of the gross national product. But they are refused the permission to plant new citrus trees, even to replace the damaged ones. Some trees are uprooted as punishment for "offences". 5/

An important project that will affect the future of Gaza concerns the construction of a Mediterranean-Dead Sea canal. This project is defended on grounds that it is the only effective way of salvaging the Dead Sea. But it also reveals the Israeli intent to annex Gaza. Although approved by the Israeli Cabinet in August 1980, it is not a new idea, Theodor Herzl having discussed the same in his diaries.

Israel, however, has renewed investigations with respect to digging such a canal (a) either along the suggestion of Yigal Allon, the former Minister of Foreign Affairs, designed to go from Haifa, through the Jezreel Valley to Beit Shean, to a point south of Lake Kinneret, (b) or to follow the northern mountain route from Palmahim to Kalia, or (c) to start in the Deir al-Balah area (the Gaza Strip) to Massada. This costly project may save the Dead Sea, but it is irrelevant to Israel's fresh water consumption problem.

Besides, since half of the Dead Sea, together with its industrial minerals, belongs to Jordan, the canal project provokes political controversy with this neighbouring country, raising legal problems as well because the massive inflow of water would change the level of the Dead Sea and require adjustments for continued Jordanian mining on the eastern shore of the sea.

Since 1967 the Golan Heights has also been subject to intensive Israeli colonization. The majority of the native Syrian population has been expelled and new Jewish settlements established. Not being abundant in local water supplies, only 20 per cent of the Golan Heights water consumption was supplied by local resources, the rest being pumped from Lake Kinneret. The southern region, suffering from acute water shortage, is heavily settled by Israelis.

In the West Bank, the Gaza Strip and the Golan Heights, the Israeli authorities are tightening control over the Palestinian use of the water. No existing well owned by the Palestinians has been allowed to increase its pumping capacity. Water metres have been placed by the Israeli authorities on existing Arab wells to keep a daily check. The control extends even to the purchase of new parts for pumps. The Israelis constantly apply an increase to the cost of water. This added financial burden comes in the context of the worsening economic situation of the Palestinians, who are hit hardest by the chronic galloping inflation. On occasions, the Israeli authorities offer money to Palestinian farmers who would agree to pull down an orange tree or his farm, under the pretext of conserving water resources. 6/

Israel is also interested in the Litani River (Lebanon), which rises in the Bekaa, flows southwards and then, at a short distance from the Israeli frontier, makes sudden bend westwards and plunges through the Lebanon mountains by a deep gorge. It is necessary to remember here that the boundaries of the projected Jewish State, defined by the Zionist Advisory Committee on Palestine on 6 November 1918, had included the Litani River in the north. 7/ It is not surprising that lately Israeli air attacks and troop incursions into south Lebanon have been increasing in intensity and in regularity. The aerial bombardments are

specifically aimed at civilian targets. Even as the Islamic Summit Conference was ending in Taef on 29 January 1981, Israeli planes launched one of the most concerted air attacks ever against towns and villages in south Lebanon. Israel renews attacks on the grounds that they are spontaneous responses to raids by the Palestine Liberation Organization (PLO). But international law does not allow the Government of one State to invade another State as a reprisal for acts of resistance carried out by people whose territory had earlier been occupied by the first State. 8/

Sovereignty over natural resources

Several international instruments and decisions condemn Israel's actions in respect to the diversion of Palestinian water resources. Article 17 of the Declaration of Human Rights lays the basic principle that "no one shall be arbitrarily deprived of his property". Article 53 states that "any destruction by the occupying Power of movable or immovable property ... is prohibited". 9/ Aspects of the right to property have been considered by the United Nations General Assembly and given further clarification.

General Assembly resolution 1803 (XVII) on permanent sovereignty over natural resources of 14 December 1962 deals with aspects of the right to own property against the background of the right of peoples and nations to permanent sovereignty over their natural wealth and resources. General Assembly resolution 1314 (XIII) of 12 December 1958 had already established the Commission on Permanent Sovereignty over Natural Resources. This Commission was instructed to conduct a full survey of the status of permanent sovereignty over natural wealth and resources as a basic constituent of the right to self-determination. Resolution 1515 (XV) of 15 December 1960 recommended that the sovereign right of every State to dispose of its wealth and its natural resources should be respected. It was on this basis that General Assembly resolution 1803 (XVII) of 14 December 1962 declared that "the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the State concerned" and that the violation of this right "is contrary to the spirit and principles of the Charter of the United Nations and hinders the development of international cooperation and the maintenance of peace".

The General Assembly took further decisions on the matter. On 15 December 1975, by resolution 3525 (XXX) it condemned the illegal exploitation of the natural wealth, resources and population of the occupied territories. In 1977, the Assembly considered a report by the Secretary-General on the adverse economic effects on the Arab states and peoples resulting from repeated Israeli aggression and continued occupation of their territories. 10/ After taking note of the report, the General Assembly, in resolution 32/161 of 19 December 1977, emphasized the right of the Arab States and peoples whose territories are under Israeli occupation to full and effective permanent sovereignty and control over their natural and all other resources, wealth and economic activities, reaffirmed that all measures undertaken by Israel to exploit the human, natural and all other resources, wealth and economic activities in the occupied Arab territories are illegal and called upon Israel immediately to desist forthwith from all such measures. It further reaffirmed the right of the Arab States and peoples subjected to Israeli aggression and occupation to the restitution of, and full compensation for the exploitation, depletion and loss of and damage to, their natural, human, and all other resources, wealth and economic activities. The General Assembly called upon all States to support and assist the Arab States and peoples in the exercise of their above-mentioned rights ... and not to recognize or cooperate with or assist in any manner in any measures undertaken by Israel to exploit the resources of the occupied territories or to effect any changes in the demographic composition or geographic character or institutional structure of those territories.

Conclusion

Since the water shortage in Israel is increasing and Israel's settlement policy is expanding, the expropriation of Palestine water is also increasing proportionately. 11/ Israel's attitude towards the future of the occupied territories and its rejection of the establishment of a Palestinian State on them can be partially attributed to the water factor on these Palestinian lands. As W. T. Mallison, Jr., in his Foreword to Henry Cattani's brilliant factual and juridical analysis 12/ brings out convincingly, universal international law is a constructive alternative for Palestine.

The international community is coming to realize that the present situation in Palestine is the result of an accumulation of illegalities. The question of Palestine, since its inception, has been one of avoidance of law. This injustice must be rectified. Israel's terms, however, do not contemplate the redress of the injustice done. Moreover, the country continues to act in a way that the expulsion of the Palestinians from their own land becomes a permanent fact.

The usurpation of the water resources of the native Arab people of Palestine is a recent manifestation of the same illegitimate policies. The only way to restore right through means other than a struggle of national liberation is for the United Nations to secure the implementation of its decisions and formulas for lasting peace. As stated in a General Assembly resolution of 3 November 1950, lasting peace also depends on the observance of the resolutions of the United Nations organs. About 200 such resolutions have been adopted with respect to Palestine. The ones quoted in this paper pertain to sovereignty over resources and the rights of the indigenous peoples to their own natural wealth. Actual United Nations intervention is necessary to put these resolutions into effect. There can be no peace and no justice in Palestine without the legitimate coercion of this international body. The problem of the diversion of the water resources is part of the greater problem of Palestine. Such coercion is politically necessary, and it also an international obligation.

Notes

1/ Jamil Hilal, "The Palestinians of the West Bank and Gaza Strip: Social and economic conditions under Israeli occupation", Beirut, 1976.

2/ A leading Norwegian daily, Dagbladet, published in its 6 June 1980 issue a detailed account on the way the Israeli occupation authorities have been strangulating Al-Auja. "The desert is blossoming; the fields are drying up", Palestine, vol. VI, No. 14 (Beirut, 1-15 August 1980), pp. 18-20.

3/ "The politics of water on the West Bank", Journal of Palestine Studies, vol. VII, No. 4 (Beirut, Summer 1978), pp. 175-177.

4/ Palestine, vol. VI, No. 1 (Beirut, January 1980), p. 94.

5/ For instance, Israeli forces uprooted on 26 January 1981 orange trees in a grove owned by Gaza municipal council member Dr. Akram Matar. They pretended that a bomb was hurled from the groves, situated on the Gaza-Khan Yonunes Road, on an Israeli car.

6/ Palestine, vol. VI, No. 1 (Beirut, January 1980), p. 94.

7/ H. P. Frischwasser-Raaman, The Frontiers of a Nation (London, Batchworth, 1955), p. 101.

8/ Faris Glubb, "International Law and South Lebanon", Palestine, vol. IV, No. 9 (Beirut, 31 May 1978), pp. 8-10.

9/ On the flagrant Israeli contraventions of several international instruments on human rights: Ghazi Khurshid, Human Rights in the Occupied Territories: 1971 (Beirut, Palestine Research Centre, 1973), passim.

10/ A/32/204.

11/ 1980 study by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, "Israel's policy on the West Bank water resources, p. 15.

12/ Henry Cattan, Palestine and International Law (London, Longman, 1973).

E. THE NATIONAL IDENTITY AND THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

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The Palestine question and the exercise of the legitimate national rights of the Arab people of Palestine, who have been uprooted from its homeland and deprived of its national rights, following a joint conspiracy of imperialists, colonialists and Zionists, is still a key issue for the settlement of the situation in the Middle East. It may be said without exaggeration that the grave and disturbing situation which persists in the Middle East itself results from the fact that the legitimate rights of the Arabs of Palestine have been flouted by the Zionists, with the full approval and support of imperialist circles.

The Palestinian problem concerns not only the refugees but the interests and the fate of a whole people, the only people deprived of its legitimate rights in the Middle East, who cannot yet realize its right to self-determination and to the creation of its own State structures in accordance with the norms and principles of international law.

Everyone knows that the Palestinian people, who possess a history that is thousands of years old, are forced to live through a tragedy, one that has already lasted for a third of a century. This tragedy stems from the fact that the Zionist entity robbed the Palestinians of their ancestral lands in 1947-1949 and, particularly after its 1967 aggression, drove them from their homes and deprived them of their homeland; it has transformed a whole nation, proud of its history, into a mass of refugees and subjected it to occupation.

It would be hard to find such an example of brutality and inhuman and illegal treatment inflicted on a whole nation. Nothing and no one could justify the mass murder of this nation. Depriving other nations and other peoples of their native lands and their homes in order to acquire "living space" for its own nation constitutes one of the fundamental characteristics of Fascist ideology, policy and practice. Such are the ideology, policy and practice of zionism: to find "living space" to the detriment of other peoples.

The Palestinian question is as old as the United Nations itself. The United Nations has been studying it ever since its establishment, just as the League of Nations had done before it.

An in-depth examination of the question of Palestine since the First World War, and particularly since 1947, shows us that the essence of the Palestinian question lies in the fate of a people and its own homeland - a people who, like all the peoples of the world, have rights which are clearly laid down by the Charter of the United Nations, by various international conventions, declarations, communiqués and commitments and by the relevant resolutions and documents of the United Nations. These rights are the fundamental rights which cannot be alienated and which cannot be ceded to another or usurped.

Taking these considerations into account, I would like to deal here with two points: the national identity of the Palestinian people and the inalienable rights of the Palestinian people to self-determination, national sovereignty and independence.

I. The national identity of the Palestinian people

The Palestinians actually constituted the people of Palestine well before the twentieth century.

Over a long period, the preponderant population of Palestine had remained Palestinian Arab. That was why, at the beginning of the twentieth century, the population of Palestine still included a vast Arab and mainly Moslem majority. According to the estimate made on the eve of the First World War of the Palestinian population as a whole, there were less than 10 per cent Jews there, 10 per cent Christians and 80 per cent Moslems, with their own language and culture, which was dominant in Palestine.

At the time when the Ottoman Empire was in decline, the Arab subjects of that empire, who wished their independence, had received from the British Government assurances guaranteeing their accession to independence after the end of the war, within the limits proposed by the Sherif of Mecca. During the First World War, the policy of Great Britain in the Middle East consisted of making contradictory promises to the Arabs and to the Zionists. Sir Henry McMahon promised Emir Hussein the establishment of a great Arab political community over the whole of the Near East; and to the Zionist Movement the creation of a Jewish national home on the land of Palestine.

The reasons for the promises made to the Arabs was to have the operations of the British Army in Egypt supported by a general revolt of the Arabs against the Ottoman Empire. In return, the British would grant them independence throughout the territory liberated from the Ottoman yoke.

In spite of these promises, the Entente Powers proceeded, amid the greatest secrecy to carve up the Middle East. Thus, on 16 May 1916, according to the Sykes-Picot agreement, France and Great Britain divided up the Middle East. After the defeat of the Allies' expeditionary corps in the Dardanelles and the British offensive in Mesopotamia, the London Government accorded considerable importance to Arab cooperation.

On 14 July 1916, McMahon, in his message to Sherif Hussein, affirmed that the independence of the Arab countries was definitively recognized by His Majesty's Government. Following that message, Sherif Hussein undertook to participate on the British side in the war against the Turks, in order to liberate the Arab territories from foreign domination. After that commitment, a series of statements from the Franco-English Government reaffirmed that the Arab countries would be liberated after the war. On 27 May 1917, General Allenby, Commander-in-Chief of the British Armed Forces in the East, proclaimed that all the inhabitants of Palestine must celebrate that day with joy because they would henceforth be independent and free to choose the Government of their choice. However, Sherif Hussein, having found the text of the Sykes-Picot secret treaty, was surprised and transmitted it to the British Government with a request for explanation. The British Government reassured Sherif Hussein by confirming its earlier promises regarding the liberation of the Arab peoples. On 30 October 1918, with the defeat of Turkey, the Ottoman Empire ceased to exist. The British and French Governments, in a joint declaration, once more assured the Arab peoples concerning their independence.

The Zionist movement, in turn, in the same way as the Arabs, received promises from Great Britain. This movement, which was in search of a territory in which to establish the Zionist State, benefited greatly from the support of Great Britain.

The first Zionist Congress, held at Basle on 27 August 1897 under the presidency of Theodor Herzl, declared that "the objective of Zionism is the establishment of a national home for Jews in Palestine, secured by public law". On 3 September 1897, Herzl declared, with regard to the Basle Congress: "If I had to sum up the Basle Congress in one word, which I shall be careful not to do publicly, I would say: at Basle I founded the Jewish State".

Herzl was aware that the Jewish people could not settle in Palestine unless they found a great Power which would take them under its protection. This protection was provided by Great Britain following the discovery, by the head of the Zionist movement, Chaim Weizmann, of a formula for the synthetic manufacture of acetone to be used for the production of explosives. Weizmann, as a reward, asked Lloyd George to create a Jewish national home in Palestine. That request was accepted by the British Government. Balfour, the Secretary of State for Foreign Affairs, addressed a letter to Lord Lionel Rothschild, informing him that His Majesty's Government viewed with favour the establishment of a "Jewish national home" in Palestine and that he would make every effort to facilitate the achievement of that objective. Thus the British Government, by a statement known as the Balfour Declaration, on 2 November 1917, entered into commitments towards the Zionists by giving the Zionist organization assurances with regard to the establishment of a "Jewish national home" in Palestine, without taking account of the wishes and interests of the Palestinian people. For their part, France, Italy and the United States fully approved this Declaration. The motives behind the Declaration and the reasons for the approval of the three Powers did

not lie in the fact of the establishment of a Jewish national home but in the wish to safeguard their interests in the Middle East.

It should be noted that the Balfour Declaration mentions the establishment of a Jewish national home and not of a Jewish State. However, that in no way reduces Great Britain's responsibility for the establishment of the Zionist State because it knew as early as 1897 that the Zionist Movement wanted to establish a State in Palestine and not a Jewish national home. In that connection, Herzl, at the Sixth Zionist Congress at Basle in August 1903, declared:

"Our ultimate objective is the establishment of a Jewish State in Palestine endowed with all the attributes of sovereignty. But it would be inappropriate to proclaim it now. It is better to present the matter in the most modest light, referring to the establishment of a Jewish national home, if only in order not to alienate useful sympathies and obtain from one of the great Powers the protection that is essential for the achievement of our objectives."

The Arab people of Palestine, aware of the danger of the establishment of a Jewish national home on its land, categorically disapproved of the British initiative.

On 7 March 1920, the Syrian General Congress, condemning the transformation of Palestine into a Jewish national home, demanded from the Allies the full and inalienable independence of Syria within its natural frontiers, including Palestine, on the basis of civic representation.

In spite of this protest, on 26 April 1920, the Allied Powers met at San Remo and approved the Balfour Declaration, deciding to entrust the Mandate for Palestine to Great Britain. The choice of Great Britain as the Mandatory Power constitutes a violation of the Mandate System, inasmuch as it was laid down, in the case of a class A Mandate, that the wishes of these communities, already highly evolved, should be taken into consideration in the choice of a Mandatory Power. On 24 July 1922, the League of Nations entrusted the Mandate for Palestine to Great Britain, without any consultation of the Palestinian population. Furthermore, the Arab countries did not belong to the League of Nations at that time and were thus not in a position to give their views on the matter.

As for the Mandate itself, its illegality is on two levels:

1. The illegality of the Balfour Declaration lies in the fact that Great Britain had, at that time, no sovereignty, no title of ownership, and no right on the basis of which it could offer Palestine to the Zionist Movement without consultation of its population. Hence, it may be said that this Declaration is a violation of the right of the Palestinian people to self-determination.

2. The illegality of the Mandate for Palestine lies in the fact that Article 22 of the Covenant of the League of Nations states that the Mandatory Power has an obligation to maintain these territories in their original integrity and hence to respect the full rights of their population. The League of Nations, by including the Balfour Declaration in the Mandate for Palestine, violated Article 22 of the Covenant to which it owed its existence. Moreover, the Mandate for Palestine was class A, i.e., the Mandatory Power was to recognize its provisional independence and provide within a very short time for its full independence. Furthermore, according to Article 29 of the Covenant of the League of Nations and the Mandate itself, the exercise of sovereignty by the Palestinian people was suspended only temporarily. Upon the expiry of the Mandate, that sovereignty should have reverted in its original integrity to its legitimate holder: the Palestinian people. That was not the case. On the contrary, with the waves of Jewish immigration facilitated by Great Britain and the expulsion of the Arab population by force and terror, the Zionists took possession of Palestine in order to found there, not a Jewish national home in accordance with the Balfour Declaration, but a Zionist State. In order to establish a Jewish State in Palestine, the Jewish Agency entered into contract with Truman, who promised the Zionists to use his influence to persuade Great Britain to return its Mandate to the United Nations, which would proceed to a partition of Palestine.

Great Britain, having observed the keen interest taken by the United States Government in the Zionist Movement, requested it to assist in the discharge of the Mandate, sharing the financial and administrative costs involved. In the face of the Americans' refusal to share the responsibilities of the Mandate, the British Government decided to send the Palestinian problem back to the United Nations. With the question before it, the United Nations, on 13 May 1947, created a Special Committee on Palestine (UNSCOP).

This Committee was entrusted with the Palestinian problem. Upon the appointment of the members of the Committee on Palestine, it could be foreseen that the Zionist solution, because of the choice of members, would be adopted by UNSCOP. However, upon its arrival in Palestine, the Committee was surprised to find a situation very different from that which it had expected; influenced by Zionist propaganda, it had imagined that Palestine was basically Jewish. However, the investigations which it conducted produced the following data:

<u>Population</u>		
Arabs	1,200,000	66 per cent
Jews	600,000	33 per cent
<u>Land ownership</u>		
Arabs	15,066 km	93 per cent
Jews	1,134 km	7 per cent

On the basis of the percentages for population and land distribution, the only equitable solution of the Palestinian problem would have been to create an undivided State, predominantly Arab but in which the Jewish minority was provided with appropriate safeguards. However, on 27 August 1947, UNSCOP established two plans for Palestine:

1. A federal State with Palestine remaining a unitary State in which Jews and Arabs would enjoy equal rights; as this plan was not in conformity with Zionist aims, the Jewish Agency intervened with the United States Government in order to request it to use its influence and have it set aside;

2. A partition plan under which Palestine would be divided into three parts: a Jewish State, an Arab State, and the City of Jerusalem administered by the United Nations.

The two drafts were put to the vote on 27 August 1947. The partition plan obtained 7 votes and the federal plan 3 votes. Thus, the partition plan was retained in spite of all good sense. The Arabs protested keenly, holding the partition plan unacceptable. However, the General Assembly, under the influence of the United States, in resolution 181 (II) of 29 November 1947, adopted the partition plan. The Zionists, profiting from this situation, established the State of Israel. Since that time, the Palestinian problem has remained unresolved. From 1947 until 1969, because of the situation of war and the non-creation of the Arab State in Palestine, the legal aspects of the question of Palestine remained in suspense.

For nearly 20 years, the essential question of the recognition and exercise of the inalienable rights of the Palestinian people was eclipsed by the Middle East conflict. During this period, because of imperialist-Zionist intrigues, the Palestinian question was regarded essentially as a "refugee problem". Unquestionably, this unrealistic and unjust way of dealing with the question was contrary to the rights of the Palestinian people, its right to self-determination and its inalienable right to return to its homes.

However, the General Assembly, breaking the first link of the imperialist-Zionist conspiracy, adopted at its twenty-fourth session resolution 2535 B (XXIV) of 10 December 1969, in which recognizing that "the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights", it reaffirmed "the inalienable rights of the people of Palestine". It also recognized the Palestinians as a people having national identity.

II. The right of the Palestinian people to self-determination

The right of peoples to self-determination is undeniably one of the peremptory norms of international law arising from jus cogens.

World action to preserve and strengthen peace and to promote disarmament and détente is closely linked to the struggle of oppressed peoples to achieve self-determination and both national and social liberation. Peace, a peaceful future and progress by mankind can be guaranteed and ensured in the long run only if those peoples who are still suffering from colonial and racial oppression can also exercise their right to self-determination and independence.

The recognition, exercise and universal application of the right of peoples to self-determination, national sovereignty and independence is one of the fundamental prerequisites for the effective enjoyment of human rights.

The United Nations Charter and other relevant international instruments provide in principle that all peoples and nations have the right to self-determination.

This right was firmly stressed in the Declaration on the Granting of Independence to Colonial Countries and Peoples, which marked the beginning of the universal trend towards the complete elimination of colonialism, and which continues to provide a firm foundation for many United Nations decisions and other international instruments and is a fundamental source of encouragement in the struggle for national liberation waged by colonial and independent peoples.

This right is also set forth in article 1 of the International Covenant on Civil and Political Rights and in article 1 of the International Covenant on Economic, Social and Cultural Rights of 1966. Similar resolutions on the matter have been adopted by the General Assembly at subsequent sessions.

It is evident that no exception should be made in the case of the Palestinian people, whose demands are solidly based and are of long standing.

The United Nations General Assembly, as already stated, has recognized this right of the Palestinian people ever since it has dealt with the problem of Palestine.

When the United Nations General Assembly was first called upon to consider the question of Palestine, it adopted the resolution recognizing the right of the Arab people of Palestine to an independent State in Palestine which, without question, amounts to direct recognition of the status of the people of Palestine.

Since 1969, it has constantly recalled the inalienable rights of the Palestinian people to self-determination, national sovereignty and independence.

The inalienable rights of the Palestinian people have been steadfastly reaffirmed in a series of resolutions adopted since 1970 by the General Assembly, which reaffirmed the earlier calls upon Israel to evacuate the territories occupied in 1967 and to respect the right of return of refugees and which recognized the link existing between the inalienable rights of the Palestinian people, its right to self-determination and the attainment of peace in the Middle East. Thus, in paragraph 1 of resolution 2672 C (XXV) of 8 December 1970, the Assembly recognized "that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations", while in paragraph 2, it declared that "full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East". Resolution 3089 (XXVIII) of 7 December 1973 also reaffirmed that "the enjoyment by the Palestine Arab refugees of their right to return to their homes and property ... is indispensable ... for the exercise by the people of Palestine of its right to self-determination".

A year after the 1973 Middle East war, when a majority of countries once again called for the inclusion in the agenda of the General Assembly of the item entitled "Question of Palestine", the cause of the Palestinian people for self-determination had made rapid progress. In October, the Arab heads of State and Government, meeting at Rabat, recognized the PLO as the sole legitimate representative of the Palestinian people and reaffirmed the right of the Arab people of Palestine to return to its homeland and its right to self-determination. The following month the General Assembly adopted resolution 3236 (XXIX), an essential instrument in the reaffirmation and international recognition of the fundamental rights of the Palestinian people. In paragraph 1, the General Assembly reaffirmed: (a) the right to self-determination without external interference; (b) the right to national independence and sovereignty.

In paragraph 6 it appealed to all States and international organizations to extend their support to the Palestinian people in its struggle to restore its rights, in accordance with the Charter. In paragraph 7 of the resolution it requested the Secretary-General "to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine". Resolution 3237 (XXIX) of 22 November 1974 conferred the status of permanent observer at the General Assembly and other international conferences convened under the auspices of the United Nations on the PLO, the sole legitimate representative of the people in Palestine, with the appearance of which the Palestinian resistance movement, qualitatively, entered a new stage of development and action. This status allows the PLO numerous, unprecedented rights.

It enjoys, with the exception of the right to vote, advantages comparable to those of member States in international organizations, the right to receive assistance from the international community, the right to maintain a permanent mission, the right to the protection of the Geneva Conventions. ...

For greater clarity and in order to determine how these rights should be implemented, a committee was established under resolution 3376 (XXX) of 10 November 1975. It was requested "to consider and recommend to the General Assembly a programme of implementation, designed to enable the Palestinian people to exercise the rights recognized in paragraphs 1 and 2 of Assembly resolution 3236 (XXIX)". Resolution 3379 (XXX) of the same date equated Zionism with racism and racial discrimination.

The right of the Palestinian people to self-determination was thus officially recognized by the international community. Similar resolutions have been adopted in subsequent years, including resolution ES-7/2 of 29 July 1980, by which the General Assembly, recalled and reaffirmed its resolutions 3236 (XXIX) and 3237 (XXIX) and all other relevant United Nations resolutions pertinent to the question of Palestine, and reaffirmed the inalienable rights in Palestine of the Palestinian people including the right to self-determination without external interference, and to national independence and sovereignty; and the right to establish its own independent sovereign State.

It should be noted that international recognition of the Palestinian people and its inalienable right to self-determination, sovereignty and independence has also been accorded outside the United Nations.

As well as by the General Assembly, these rights have been recognized in resolutions adopted at conferences of non-aligned countries and at Islamic conferences, which reflects the commitment of the international community.

Yet despite this basic commitment by the international community, American imperialism and the Zionists, by concluding separate deals to the detriment of Palestinian and Arab interests, have sought to eliminate the Palestine liberation movement, to legalize the Israeli occupation of Palestinian and other Arab territories, and to condemn the Arab people of Palestine to eternal exile. This blatantly violates the Charter of the United Nations, General Assembly resolutions and other relevant United Nations instruments and is clearly incompatible with the generally recognized principles and norms of international law, including the right of peoples to self-determination.

It should be noted that the right of the Palestinian people to self-determination, national sovereignty and independence has been established beyond question. It remains for the international community, in particular the United Nations, to take specific, definitive steps to ensure implementation of the inalienable rights of the Palestinian people and to carry out its role and discharge its obligations to provide that people with its own independent State.

The people and Government of the Republic of Afghanistan, in accordance with their firm support for and revolutionary solidarity with the fraternal people of Palestine and its legitimate struggle, under the leadership of its sole legitimate representative, the PLO, are ready to wholeheartedly support any effective steps to ensure the inalienable rights of the Palestinian people, including its right to establish an

independent national State in Palestine.

We are certain that the just cause of the Palestinian people will triumph.

F. FUNDAMENTAL RIGHTS OF THE PALESTINIANS: THE PRIMAL CRIME AND THE AMBIGUITIES OF CHOSENNESS

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The Palestine Human Rights Campaign, an organization formed in the United States, recently adopted the following slogan: "Palestinians have human rights too". This is obviously a truism. Or is it. It looks as if we have been desperately trying to convince the American people that the Palestinians are also human beings. Why, one asks, should we strain so much to bring this message to the American people. Why, we wonder, do the American people, and the West in general, show any reluctance in seeing the obvious, and persist in denying the Palestinians the full measure of human rights?

The fact that we have had to bring this simple truth to the American people and to struggle to make our readers and our listeners aware of the fact that the Palestinians are also entitled to a full measure of humanity - this fact points to a serious defect in the attitude of Americans towards the Arab-Israeli conflict - a defect that goes beyond lack of information, Zionist political and economic pressure, or plain social bigotry.

I will attempt to investigate the fundamental reason for this apparent moral and political gap in the conscience of the West. This is going to be a diagnosis only, not a prescription for a cure.

This symptom has two sides to it. On one we find an almost irrational support of Israel (at the outset, I should point out that I am separating the term "Israel" from the term "Jews") and on the other side and equally irrational denial of the Palestinians, their rights, their humanity, their persons. These two elements of the problem are closely interrelated, and cannot be easily and successfully discussed separately.

We could attribute this attitude to the spirit of colonialism in the West which has had a long history of denying the rights of colonial people, and which lingers on here and there. But colonialism, especially the endemic and extreme kind, cannot be explained only in political and economic terms. There is another dimension to it which goes beyond the practical aspects of political power and of exploitative economics. This added dimension, which sometimes exceeds the rational consideration of self-interest, and turns even against its user, is of a mystical-religious nature, whether it be called the White Man's Burden, the Civilizing Mission, the Manifest Destiny, or the Sacred Covenant. Once this mystical element enters into the colonial venture of nations, the subjected people of this venture suffer the most extreme forms of denial of rights, dispossession, even extermination. It is this mystical, religious element in the Zionist colonization of Palestine that is basically responsible for the dehumanization of the Palestinians by denying them fundamental rights.

The religious factor in the creation of Israel and in the disenfranchisement of the Palestinians is more pronounced and much more prominent than in any other colonialist experience in modern Western history.

Although all colonial movements have a large dose of mystical components, and the treatment of the indigenous Indians displays a large measure of it, the Zionist movement has a religious core without which it would be formless. Zionism owes its form and its content to the mystical-religious foundations in the Bible. It is there that the possession of land by one party is deemed as an act of piety, and the colonization of Palestine as climactic even in sacred history. It is in these religious foundations that the policy towards the indigenous population is given a divine finality. The original inhabitants of the Holy Land have to be considered non-persons, to be shunned, denied, expelled, dispossessed, deprived of livelihood and of life.

Since this religious tradition is also shared by Western Christendom, both the promise to the Jews and the denial of the non-Jews, that is, the Palestinian Arabs, have a widespread acceptance. This acceptance is not found only among the rank and file, but also among many thinkers, writers, theologians, priests, teachers, politicians and presidents. It is well established by a long tradition, by a respect for the scripture without questioning, and among a growing number of conservative Christians, by an odd interpretation of prophecy and a professed belief in a godly plan involving the reconstruction of Israel, which takes precedence over human considerations, pity, or fair play. It is this aspect of the Palestinian problem that is the most difficult to come to grips with. It bears some more exploration.

The Primal Crime

Let us explore the American model of a colonial venture dealing with indigenous population - a venture which had a mystical-religious aura. Robert Bellah, in his book The Broken Covenant (pp. 36-37), describes the attitude of white America towards the indigenous population:

"Thus at the very beginning of American society there was the primal crime against the Indians ... For a long time, indeed for centuries, the new settlers failed to appreciate the fact that the people they found here lived in a different dream. Whether the Indian was seen as noble or as horrid savage, he was treated as if he were a character in the European dream, as if he had no dream of his own ... This

failure to see the Indians in their own terms was only the cultural side of a denial of humanity that was also expressed in economic and even biological terms. Thus Indians were deprived by the new settlers, not only of the inherent human right to have one's culture understood and respected, but they were ruthlessly deprived of land and livelihood and all too often of life itself. This was the primal crime on which American society is based ... We must ask what in the dream of White America kept so many for so long, so many even this day, from seeing any crime at all. For that we need to consider the ambiguities of chosenness."

The primal crime in Bellah's thesis consists of the denial of the humanity of the Indian explicit in depriving him of his fundamental rights. He correctly points to the "ambiguities of chosenness" as the cause for the callousness that permeates a society which refuses to see, or is incapable of seeing, any crime at all in this behaviour.

We only have to exchange the terms America and Indians with the terms Israel and Palestinians to realize how much the biblical concept of chosenness, of covenant, is responsible in both cases for the primal crime of denying fundamental right to indigenous inhabitants of an exclusively claimed land. The prototype of chosen White America, of apartheid South Africa, and of modern Israel is biblical Israel. And the figure of the despised and dispossessed Indians, of the African Bantus, and of the modern Palestinians is also biblical. It is the Canaanites, the indigenous goyim, whose existence on the land was not to be tolerated by divine order. They were, as it were, cynically chosen to bear the eternal curse that serves as explanation and justification of the primal crime.

The ambiguities of chosenness

The American example of chosenness is, at best, a mirror image of biblical Israel. But modern Israel is claimed as a direct descendant of the biblical one, a continuation and a fulfilment of a historical entity based on a divine election and a sacred promise of land. Accordingly, the chosen does not have to justify his favoured position or to apologize for his disregard for the rights of others. His position is predetermined by a divine order. The primal crime, if it exists, is not of his doing.

While Zionist thinkers also attempt to present Jewish nationalism as a modern movement based on conditions that existed in the nineteenth and twentieth centuries, the fact remains that ideologically, ethnically and territorially, this modern movement is primarily based on the biblical prototype of Israel. The name "Zion" focuses on the territorial definition of Israel in the Bible. The name "Israel" reflects the intertwining of racial and territorial elements made sacred in the Bible. Consequently, when Zionists speak of their historic right to Palestine, they refer by necessity to a history and to a historical philosophy found in the Bible and in the Rabbinical literature. To deny the "historic right" of the Jews to Palestine is to challenge the scriptures. This is an article of faith to some Jews and Christians, and it also serves as an effective public relation tool to influence the Christian world favourably towards Israel and unfavourably towards the Palestinian quest for fundamental rights.

That the Bible is at the roots of Zionism is recognized by religious, secular, non-observant and agnostic Zionists. Thus, Moses Hess, who preceded Herzl and who is considered one of the spiritual fathers of Zionism, recognized and preached the principles of interdependence of religion and nationalism in Jewish life (see his book Rome and Jerusalem). To him Jewish religion was, above all, Jewish nationalism. Ben-Gurion was often biblical and mystical in his writings and speeches, calling the Bible the "sacrosanct title-deed to Palestine" for the Jewish people "with a genealogy of 3,500 years". (The Rebirth and Destiny of Israel, p. 100.) With a sacrosanct title-deed to a piece of land, Ben-Gurion was explaining that he did not have to conform to regular, mundane rules of behaviour. In an address to an international conference, he declared that "the Jewish vision of redemption has two aspects: the ingathering of the exiles and the continuation of the Jewish people in its land as a chosen people, and as light to the nations" (Ben-Gurion Looks at the Bible, p. 111). This statement contains and transcends all the claims of colonialists from the Crusaders' cry of "God wills it" to the American settlers' boast of Manifest Destiny, to the Afrikaans' pretension of covenant.

The biblical concepts of promise of land, choice and covenant are supranational, sacralized concepts producing a sacred historical right exclusively for the Jews and exclusively in Palestine. This concept places the indigenous population of Palestine, the Arabs of today as were the Canaanites of biblical time, in double jeopardy. They are summarily deprived of human rights by the claim of exclusive election of the Jews by God, and deprived of their property by the exclusive promise of the land to the chosen ones.

The biblical ban on any form of cooperation with, and understanding of the indigenous goyim was clear and often repeated in the texts. It was made a condition of God's continued patronage of Israel. The following quotation from the book of Deuteronomy (7:1-6) illustrates the point:

"You must not make a treaty with them or spare them. You must not intermarry with them, neither giving your daughters to their sons, nor taking their daughters for your sons; if you do, they will draw your sons away from the Lord and make them worship other gods. But this is what you must do to them: pull down their altars, break their sacred pillars, hack down their sacred poles and destroy their idols by fire, for you are a people holy to the Lord your God; the Lord your God chose you out of all nations on earth to be his special possession."

It is easy to see that this ancient text does not vary much from current Israeli official policy and from the attitudes of the Israelis generally towards the Arabs of Palestine.

A narrow interpretation of the scriptures, which is common among many Jews and many more Christians, makes the destiny of Israel and that of the Palestinians mutually exclusive. Just as the American Indian had to be removed by European settlers because of cultural and religious prejudices, the removal of the Palestinians is considered a sine qua non for the purity, welfare and security of the Jewish State. One party had to disappear to make room for the other, not for the lack of room, not because they could not, but because they should not live together. Thus the decision to remove the Palestinians and to deny them their fundamental rights was not one motivated by political, economic, or social considerations only, but by an added dimension of religious, mystical conviction, one that by its nature is unreasonable and uncompromising. Its total dogmatism is placed at the doorstep of the Lord Himself. In practice, modern Israel seems to have wholly adopted the biblical blessing and the biblical curse; the blessing exclusively reserved for the "holy race", the chosen people and the curse placed in eternity on the indigenous goyim, be they called Canaanites or Palestinians.

The blessing and the curse are the two sides of one coin, that of Israel as a State divinely reserved for one favoured race. To admit that the Palestinians have rights in that land - to some even admitting that they do exist at all - is one way of denying or questioning this exclusive divine patrimony.

Hence, the refusal of all Israeli Governments on the right and on the left, to recognize the Palestinians and the PLO cannot be explained only in terms of political advantage or political expediency. American concurrence with that position is likewise attributable in part to that same religious conviction.

For Israelis, to recognize Palestinians and their rights is tantamount to an admission of committing the primal crime. In view of the experience of the Jews at the hands of the Nazis, who also believed in their own sacred destiny and in a racial curse placed on their non-Aryan neighbours, any suspicion of similarity between Nazi and Zionist philosophies and behaviour would create a crushing burden of guilt. To be safe from the damaging effect of this analogy, some Zionists have convinced themselves that the Palestinians do not really exist (a land without people), or that they are really of a lower quality of people, that they are all terrorists who kill women and children. But most of them still find refuge in biblical mythology. For if one accepts the principle of the divinely favoured person, one needs only a short step towards accepting the principle of the divinely cursed and dispossessed person.

On the American and Western side, the biblical anchor of pro-Israeli sentiment justified Israel's actions in claiming Arab territories and in striking at the Palestinians. This comes from a commitment of faith, as A. Roy Eckardt puts it. To raise questions about such commitment amounts to heresy to some conservative churchmen. It is this aspect of the problem that explains the American claim of a "moral commitment" to Israel.

The theology of the territorial imperative

The concept of "promised land" is tied closely to that of the chosen people. Without the land, according to the biblical territorial theology, the covenant with the Jewish people would be incomplete.

It would have no earthly basis. An important part of the Torah and the Prophets would lose their relevance. Rabbi Wolfe Kelman, Chief Executive Officer of the International Association of Conservative Rabbis, commenting on a proposed Vatican document concerning relations with Judaism, welcomed in particular the document's proposed "recognition of the reality of the State of Israel", its assertion that Jewish fidelity to the Old Covenant between God and the people of Israel is "linked to the gift of land, which in the Jewish soul, has endured as the object of aspiration that Christians should strive to understand and respect" (Christian Century, 24 January 1970, p. 39). The Rabbi's preoccupation with "God's gift of land" pre-empted any reflection on his part as to the injustice that might be dealt to those who already dwell on the land. Rabbi Nissim, Chief Rabbi of Israel in 1968, was direct and unequivocal in his assessment of this question. He said:

"The Land of Israel was, with its borders, defined for us by Divine Providence. Thou shalt be, says the Almighty, and there it is; no power on earth can alter that which was created by Him. In this connection it is not a question of law or logic; neither is it a matter of human treatment or that sort of thing" (Hayom, 7 June 1968).

It is clear that the biblical attitude towards the Promised Land is behind Israel's policy of "land redemption" consisting of dispossessing Palestinians and restricting ownership and development of property to Jews only, of the constitution of the Jewish National Fund, and of the official settlement policy in "Judea and Samaria".

The seizure of the property of the Arabs is demonstrably based on arbitrary choice of race sanctioned by biblical precedence. The history books of the Bible contain examples of that same policy, especially the books of Ezra and Nehemiah. It is clearly and openly not based on right, legal or moral, but on a suprarational entitlement of one party and the mysterious disfranchisement of another. In the book of Deuteronomy (6:10), it is made quite obvious that the Lord had decreed that the land and everything on it was given unconditionally:

"The Lord your God will bring you into the land which He swore to your forefathers Abraham, Isaac and Jacob that He would give you, a land of great and fine cities which you did not build, houses full of good things which you did not provide, rock-hewn cisterns which you did not hew, and vineyards and olive trees which you did not plant. The biblical right to the land is quite absolute."

Consequently, the denial of any right to any people but the chosen one is likewise absolute. The ultra-religious take this road without any apologies. However, many so-called liberal Zionists have worked diligently on an apologetic system to justify the Jewish claim to Palestine without having to go all the way

to deny the rights of the Palestinians.

From these sporadic pangs of conscience among liberal Zionists and some Christian theologians grew such theories as the two-rights theory, the Jewish cultural home theory, and the let-them-live-among-their-own-kind theory. Martin Buber, the famous Jewish humanistic theologian and philosopher, extended a hand of peace to the Arabs and supported the Brit shalom of peaceful coexistence. But his religious writings are replete with elaborations on the biblical concepts of the Promised Land and the chosen people. His complete insistence on the eternal relevance of the biblical covenant, the chosenness of Israel, and the consecration of the land of Israel to the mission of the Jews to the world controverted the universal aspects of humanism. If, according to this theology, the land of Israel was elected by God since the beginning of time to be the home of His chosen race, then His recognition of the Palestinians is but a matter of tolerance, not of complete acceptance on equal terms.

This attitude is also found among Christian apologists for Israel. The renowned American theologian, Reinhold Niebuhr, was one of those. His total support of Israel was based mainly on theological deliberations and some feeling of guilt. His sense of justice and his Christian compassion, however, made him sensitive to the plight of the Palestinian Arabs. He therefore recommended that they be well-treated, compensated, and settled somewhere else other than in Palestine, their original home. Niebuhr's sense of justice was restricted by his theology. His discrimination between what is right for Jews and what is right for non-Jews was caused by his attachment to the biblical doctrine of covenant interpreted closely as linking, in a mystical way, the chosen people to the Promised Land. The Palestinians, although deserving pity, are primarily a hindrance to the fulfilment of sacred destiny.

Christian zionism and the Palestinians

Niebuhr's political theology can be dubbed as Christian zionism. He is of the mild, moderate variety compared to another breed of theologians and preachers whose power and number is on the rise. Evangelical fundamentalists are spreading the gospel of the priority of Israel in the Divine Economy on an increasing number of pulpits, radio and television stations all over the United States and Canada.

Niebuhr's Christian zionism is squarely based on the biblical view of history. Israel, the ancient and the modern, according to his view, is a biblical category, one of the mysteries of man's historical existence. In an article in the Nation (21 February 1942, pp. 214-16), written during the Second World War, he defended the right of Jews to Palestine as a "collective right". He attacked "modern liberals" because their "individualist and universalist presuppositions and illusions" have prevented them from seeing "obvious facts in man's collective life". The "collective survival impulse" of the Jews is a matter of historical justice, he said. To him the alternative would be collective extinction. The collective will of the Jews, he maintained, requires expression in a homeland for the Jews. Although Niebuhr admonished Zionists for some individual (not collective) acts of brutality, he could not see that this would diminish their collective right to Palestine. All this collectivity conferred by him on the Jews never once reminded the eminent theologian that Palestinians may have a collectivity of their own. The biblical foundations of his theopolitics would preclude such an even-handed approach.

The increasing preoccupation of the fundamentalist Christians with the text of the Bible dealing with history and with prophecy keeps Israel on their minds and in their sermons. Most Christians, therefore, cannot escape confronting the issue of the relevance of the State of Israel to their beliefs, hence taking a stand, mostly a negative one, toward Palestinian fundamental rights. Rejecting any relevance of the question of Israel to their religious life might require strenuous theological exercises. Accepting it, on the other hand, is accepting on faith the total and absolute authority of the biblical text. Either way, Israel is a question of concern to most American Christians. Their awareness of the Jewish State, its problems, wars, and enemies exceed their awareness of any other country.

To the majority of fundamentalist Christians, the Jews have not accepted Christ, therefore their prayers cannot be heard. Yet these same people support Israel wholeheartedly because they believe that the creation of the Jewish State is a sign, according to biblical prophecy, that the Messiah is coming. The Jew may not be totally an acceptable person in his current state of non-belief, but he is still a chosen one who will eventually be saved. No such status is accorded to the Palestinians. They are hopelessly locked into a negative role; they are non-persons, and non-persons have no claim to rights. Their greatest misfortune is that they constitute a stumbling block in the road of salvation. The term "terrorist" given to Palestinians constantly by fundamentalist ministers such as Jerry Falwell, take an added meaning. It contains connotations of eternal evil, an evil that is as predestined and absolute as the chosenness of the holy race and the salvation of the true believers are predestined and absolute.

An advertisement placed in 1976 by a large group of churchmen, mostly Baptist, in many important newspapers, illustrates very well this absolute discriminatory attitude. It says in part:

"Because the Jewish people are the people of prophecy they are the people of the land. And we, knowing Him who made the promise, totally support the people and the land of Israel in their God-given, God-promised, God-ordained right to exist. Any person or group of nations opposed to this right isn't just fighting Israel. But God and Time itself."

How, one might ask, can the Palestinians claim any right, compassion or justice, when they are fighting Israel, God and Time itself?

G. THE PALESTINIAN QUESTION AND THE RIGHTS OF THE PALESTINIAN CHILD

Salwa Abu Khadra
(Palestinian)

By its resolution 3376 (XXX) of 10 November 1975, the General Assembly of the United Nations established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The mandate of this Committee was to recommend a programme designed to achieve respect for those rights and their implementation in accordance with General Assembly resolution 3236 (XXIX) of 22 November 1974.

The Committee recommended a plan of action (A/31/35) which may be summarized as follows:

(a) Repatriation of the Palestinian refugees in two phases:

(i) The refugees of 1967: immediate repatriation;

(ii) The refugees of the period 1948-1967: repatriation or compensation in accordance with the relevant resolutions of the United Nations, in particular General Assembly resolution 194 (III) of 11 December 1948;

(b) The complete withdrawal of Israeli forces from the territories occupied in 1967 and scrupulous observance by Israel of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

(c) The establishment of an independent Palestinian entity;

(d) The adoption of further arrangements to ensure full respect for the inalienable right of the Palestinian people, taking account of resolution 3375 (XXX), and the need for the establishment of a just and lasting peace in the region in accordance with all relevant resolutions.

The Committee recalled the fundamental principle of the inadmissibility of the acquisition of territory by force and stressed the consequent obligation of total and speedy evacuation of any territory thus occupied.

No action was taken by the Security Council. Thus, the General Assembly, in resolution 34/64 A of 29 November 1979, expressed its regret and concern that the recommendation of the Committee had not been implemented and once again requested the Committee to make appropriate suggestions to that end.

The Israeli entity has taken no account of those regrets, expressions of concern or warnings, whether emanating from the General Assembly or from the Security Council. It has repeated its attacks and acts of aggression against occupied Palestine and southern Lebanon, in towns as well as in refugee camps, disregarding United Nations resolutions and rejecting them with insolence and arrogance.

Although the Charter of the United Nations provides for a whole range of enforcement measures to ensure respect for the resolutions of the Organization, no measure of this kind has so far been taken.

Enforcement measures would, unquestionably, induce Israel to submit to United Nations resolutions, as was the case in 1957, at the time of the aggression against the Suez Canal, when President Eisenhower stated that the United Nations had no other choice than to put pressure on Israel to force it to implement the resolutions calling for its withdrawal.

Unfortunately, the attitude of American leaders vis-à-vis the bellicose aggression to which the Palestinian people and the land of Palestine are continually being subjected has changed radically. It has become selfish and partial, which allows Israel to enjoy unprecedented support and ensures it a veto against any resolution condemning its violations of the Charter of the United Nations and the Geneva Convention which might lead to the adoption of enforcement measures.

The United States seems to wish to give the Zionists its total support in the construction and maintenance of a State on the land of another people and to disregard the relevant resolutions of the General Assembly and the Security Council, some of which were drawn up with the assistance of United States representatives, such as General Assembly resolution 181 (II) of 29 November 1947 and Security Council resolution 242 (1967).

The State of Israel was established with a plan for expansion and hegemony over the neighbouring Arab States, in accordance with the interests of certain Western Powers. The United States is responsible for the impasse in the Middle East because it has helped the Zionist entity to become an unrivalled Power in the region by its financial and economic assistance.

Since the Palestinian people is an obstacle to the realization of the Zionist ideology, their extermination, annihilation, deportation and integration in the country of exile and the subjugation of its will to fight in defence of its rights, all serve to ensure the realization of Begin's plans for a "Greater Israel".

The first Zionist leaders launched the slogan: "A land without a people for a people without a land". 1/ (Tables 1, 2 and 3)

"This is how the policy of Deir Yassin was imposed, that tranquil village whose whole population was savagely massacred, men, women and children, and not even the unborn child in its mother's womb was spared. The massacres and expulsions had one aim initially, the establishment of the State. There can be no Zionist colonization and there can be no Jewish State without the displacement of the Arab population, the confiscation of land and the erection of barriers." 2/

Racial discrimination came in the wake of the State. In order to maintain and develop this State, a new tactic was needed. The Arabs were treated harshly and cruelly.

"In order to force them to leave by every means, it was necessary to raze villages and demolish houses: Mass deportation, expulsion and the confiscation of land".

All possible means became legal, as did the Judaization of everything: land, culture, names, places, education and history. Thus, the Palestinian Arabs felt themselves strangers on their own lands, having no national rights to a State or other entity.

It must be Israel and not Palestine. It must be Galilee and Samaria and not the Palestinian West Bank. The citizens must be Israelis not Palestinians. Begin, the one who prepared the Deir Yassin massacre and the recent savage bombing of civilians in Lebanon, seems to be of the opinion that it is necessary to annex the territories and reduce the population by carefully conceived and implemented immigration. The figure of 385 villages destroyed by Israel is given by Israel Shahak. 3/

Begin's 1977 plan distinguishes between the fate of the population and that of the land. The situation of the Palestinian people in exile is completely different. They suffer from infringement of human rights in another form because of their dispersal and statelessness. This unique political situation, which has lasted for more than three decades, has even more disastrous consequences for Palestinian children than for adults.

The children born in exile in camps, who have grown up as refugees, who have studied in the crowded classes of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools, who have waited for the end of the month receive their meagre food allowance, and who still have no recognized identity - these children (who have never seen their homeland) currently constitute the bulk of revolutionary freedom fighters.

They struggle for the exercise of their national historic rights and so that their children can enjoy the rights proclaimed in the international Declaration of the Rights of the Child of 1959.

In all countries, children enjoy some of their rights. The young Palestinians, whether living under occupation or living in exile, are almost totally deprived of them. The situation is slightly better for the latter. Measures have been taken on his behalf in the field of health, education and social welfare. The Palestine Liberation Organization, through its various research, planning and educational institutions and centres, carefully organizes programmes relating to all areas of life. The importance which it attaches to young Palestinians actually relates to the national interests; only thus can it ensure the quality of the future of the nation and its capacity to survive and prosper.

"Palestinian children and their families have been the victims of aggression, emigration, expulsion, discrimination and exploitation, acts of oppression which have made their youth an ongoing preparation for defence and war."

Palestinian children are therefore sensitive to the tensions of exile and occupation. They experience this situation and share the ordeals of their parents and the deprivation of freedom of their community. Their environment engenders the consequences of subjection to this new form of colonization, namely, the Judaization of the country. The ordeals of war and instability condition their existence. The aggressiveness and tensions are very violently felt and are normally directed against the oppressor (the enemy) who is occupying the land and who has taken possession of the homes. Thus, a stone becomes a grenade in the young person's hand, and the stick is a substitute for a gun. Demonstrations, nationalist slogans and songs and the hoisted Palestinian flag express their natural reaction in defiance of the occupiers. (Security, an indispensable condition for a child's development, does not exist in the life of a young Palestinian.) 4/

If he lives in the occupied territories, a young Palestinian may see his house blown up at any time and, if he lives elsewhere, he may also see it bombed at any time.

"The ever more numerous ordeals which a Palestinian child must face each day - bombings, expulsion, destruction of property, demolition of houses, arrests and famine - force him to mature and to leave his childhood behind early. Instead of the games with which all children throughout the world amuse themselves, he learns to distinguish the sound of enemy war planes from that of civilian aircraft, he listens to the news and becomes familiar with the various kinds of weaponry ... his mind is concerned not with laughter and amusements but with survival and return." 4/

The Declaration of the Rights of the Child, adopted on 20 November 1959, was given practical expression by the proclamation, in 1979, of the International Year of the Child. The Declaration affirms

the rights of the child to be given opportunities and facilities to enable him to develop in a healthy and normal manner and in conditions of freedom and dignity (principle 2), to receive an education (principle 7), to be protected against practices which may foster any form of discrimination (principle 10) and to be protected against all forms of neglect, cruelty and exploitation (principle 9). All the other principles emphasize the right of the child to love, to care, to opportunities, to development and to happiness. The Declaration also states that the child shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood.

The attainment of these ideals remains the goal of the international community but, owing to the exceptional circumstances in which they find themselves, Palestinian children living in the West Bank and Gaza Strip under the Israeli regime also come up against other difficulties: "They must live with military occupation, and it is an experience that is unknown to the majority of children in the world". 5/

The following is a breakdown of the population by age group:

<u>Age of inhabitants at the end of 1977</u>	<u>West Bank</u>		<u>Gaza Strip and northern Sinai</u>	
	<u>Number</u>	<u>Percentages</u>	<u>Number</u>	<u>Percentages</u>
0-14	316 000	46.4	209 100	47.5
15-29	183 400	26.9	123 100	27.8
30-44	77 800	11.4	50 300	11.4
45-49	60 500		8.9	37 700
50-54				
55-59				
60 and over	<u>43 300</u>		<u>6.4</u>	<u>21 100</u>
<u>4.8</u>				
	<u>681 000</u>	<u>100.0</u>	<u>441 300</u>	<u>100.0</u>

It may be seen from these figures that nearly one-half of the population is under 14 years of age.

The question of education therefore assumes very great importance.

Educational services

Many reports have given an account of the situation of the educational services and the extent to which the rules imposed by the Israeli occupying authority have influenced the education of Palestinian children, but no in-depth study has ever been made of the moral and mental impairment of the children's personalities.

"The educational institutions are managed by the occupying authority (official schools or government schools), by private bodies or by UNRWA."

"In general, the schools follow the Jordanian curriculum of education in the West Bank and the Egyptian curriculum in the Gaza Strip." 6/

In his report on the situation of the national education and the cultural life of peoples in the occupied Arab territories, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) notes that "the government schools in occupied East Jerusalem had their curriculum modified to conform to that applied in the Arab schools of Israel, and the Israeli textbooks used in Israel for its Arab schools were introduced in these government schools". 7/

"The Israeli authorities began to print expurgated and amended versions of the existing Jordanian textbooks used in the West Bank before the occupation.

"The list of titles reprinted by the Israeli authorities for use in West Bank government schools shows that a number of geography and civics books and the school atlas prescribed in the Jordan curriculum have been dropped. ... The texts themselves are often identical, although several books have phrases, paragraphs or complete chapters suppressed." 8/

It was claimed in the survey for the period 1967-1980 prepared by the Israeli Minister of Defence that, since the start of the Israeli military administration, the educational system had been allowed to operate according to the prevailing formula in each area (of the West Bank and the Gaza Strip).

"The Israeli administration has in no way interfered with the 'Arab national system'. The only difference is that the anti-Israel slanders contained in the textbooks were eliminated." 8/

It was also stated in the survey that, between 1967-1968 and 1977-1978, Israel banned only 14 Jordanian and 23 Egyptian textbooks. 9/

However, the Commissioner-General of UNRWA stated in his report to the General Assembly at its thirty-fifth session (New York, 1980), that of the 95 textbooks approved by UNRWA for West Bank schools, 82 were approved by the Israeli authorities, who authorized the importation of only 15 of the 69 textbooks approved for schools in the Gaza Strip, while 4 textbooks were still under consideration. 8/

In a study, the Economic Commission for Western Asia (ECWA) states that the education policy of the Israeli occupying authority seriously limits the acquisition of knowledge regarding Palestinian culture and history. The occupation authorities delete from the curricula everything which relates to Palestine - love of one's country, patriotism and national identity. References to the Arab contribution to human culture and history are censored. Atlases where the name of Palestine appears are replaced. All ideas which are regarded as incompatible with Zionist and Israeli concepts are banned. 10/

According to the Statistical Abstract of Israel, 1978, the number of educational institutions increased from 821 to 1,000 in the West Bank, an increase of 21.8 per cent, and from 166 to 270 in the Gaza Strip, an increase of 38.5 per cent during the first 10 years of occupation.

According to the ECWA 1968-1977 Statistical Abstract, the number of establishments grew by 33 per cent in the Syrian Arab Republic, by 32 per cent in Egypt, and by 78.6 per cent in Jordan. 12/

The position of the Zionist entity on the expansion and the efficiency of schools in the occupied territories is controversial; despite denials, several Israeli newspapers, such as The Jerusalem Post of 11 April 1980 and Ha'aretz of 20 March 1980, have claimed that "the Israeli occupation authorities discouraged efforts by the inhabitants of the West Bank and Gaza Strip to found new schools or to expand existing ones".

The occupation authorities have not applied the pre-1967 law on compulsory schooling.

They have enacted a law stipulating that students who have been arrested or imprisoned shall not be re-admitted to school without the approval of the military Government.

Israeli acts of aggression aimed at Palestinian schools are now a well-known fact. In August 1978, Time magazine shows photographs of criminal acts committed in the Beit Jala school. Israeli soldiers, after closing the doors and windows of the building, threw tear-gas bombs into the classrooms. Terrorized, the children jumped from the third floor and a number of them broke their legs; those who did not jump were found unconscious. The Beit Sahour school met the same fate. The Israeli soldiers who were present deplored that situation, which they called "a Nazi act", affirming that some of the children were only 8 to 10 years old.

On 9 April, Israeli military forces attacked the Bir Zeit University and seized the identity cards of 22 students. They also attacked the UNRWA teacher training centre at Ramallah, using tear-gas, clubs and knives. Twenty-four students were wounded, 4 seriously, and 42 students were arrested during the mass demonstration organized to commemorate the anniversary of the Deir Yassin massacre and to protest against the Israeli decision to expropriate hundreds of dunums of land in order to establish six settlements there. 13/

On 12 April, the occupation authorities closed a secondary school at Safa for an indefinite period. On 1 May, Zionist soldiers attacked the Anabta secondary school; one student was killed and two others wounded. 13/

On 9 June, Zionist soldiers shot three bullets into Taghrid Al-Butma, a 20-year-old student, who was going to the Bir Zeit University, killing him. 13/

Those are incidents which have repercussions on the atmosphere in which Palestinian children live.

With regard to educational institutions in the occupied territories, the Group of Experts notes in its report that "it would appear that the occupying authorities ... have created and sustained a feeling of insecurity among teachers and students in all educational institutions. The experts were told of constant harassment of students and staff". 14/

Mr. Hanna Nasser, President of Bir Zeit University, states on the occasion of a visit made to American universities in 1979 following the closure of Bir Zeit University on 2 May 1978, that he had been deported without trial in 1974, while one of his colleagues, Professor Taysir Aruri, had been detained without charge or trial for 45 months and that the University had been closed several times.

"The students in the Department of Education are refused access to the data necessary for research work, and those who wish to do field work in the schools are prevented. The University's acquisition of non-political academic works and Arab newspapers is subjected to considerable restrictions. The customs exemption in force before the occupation is no longer respected. Work permits for foreign faculty are issued only after several months of waiting. The University's community work programmes have been set back considerably." 15/

It should be noted also that military order 854 empowers the military administration officer-in-charge of educational questions to issue teaching permits to academic university or institutions and that such permits are issued or withdrawn in accordance with security considerations, in which police and military organs are involved. This officer may also withdraw teaching permits from individuals who have been condemned for security-related offences or who have been placed in administrative detention or prevent permits being issued to such persons. Freedom to teach and freedom to receive education in occupied Palestine must depend on the military officer-in-charge of educational questions.

In its study "Social programmes and data in the ECWA region", 1980, the Commission touches on another aspect of the life and schooling of Palestinian students: "Students attending various levels of schooling are often compelled to drop out of school in order to supplement the family income as a result of the absence or loss of the father, the separation of families and the high rate of inflation. Your students are recruited for unskilled jobs in various ways, including harassment during examinations in order to make them fail".

This is how the Group of Experts sums up the situation in one paragraph of its report: "In discussions with educators from the West Bank, it was repeatedly pointed out to the experts that the climate of occupation was not conducive to the creation of suitable conditions for the educational process. ... because the economy was under the control of an occupying power and political power was exercised by the army, the normal educational and manpower planning process to meet national goals could not be undertaken". (Report, p. 35).

Job opportunities

Job opportunities are extremely few in number. According to the 1979 report of the International Labour Organisation (ILO), approximately 3,500 students obtained a diploma between 1968 and 1977. It is stated in the report that the Zionist authorities had told members of the mission that approximately 40 per cent of those receiving diplomas from vocational training centres found jobs in the occupied territories, and 50 per cent in Israel. The impression emerges from the report that the level of training is not very high and that students are generally trained for semi-skilled jobs, of which the Israeli economy has great need. 16/

"When Arab students reach the stage of preparation for examinations in a secondary school, they realize clearly that the school in which they have studied has brought them only a limited amount of knowledge. Officials of the Ministry of Education must recognize that the level of education in Arab schools is very low. 17/

This situation is due partly to the meagre budget allocated to Arab schools. The policy of discrimination between Arab and Jewish employees is evident from the annexed scale of teachers' salaries (table 4).

This acknowledged discrimination was the essential cause of the 1980-1981 strike of teachers in the West Bank and Gaza Strip. If the Palestinian teachers have decided to resume work, it is only out of concern to respect their moral and national obligations to students. 18/

Exploitation and work of young children

In August 1975, Israeli television presented a film showing Palestinian Arab children working on Israeli farms. A. Sharon, Minister of Agriculture at the time, was accused of employing 25 Palestinian children on his ranch. Sharon himself accused Dayan of the same practice. On 29 August 1978, it was revealed to Israeli public opinion that the Jewish Agency employs very young girls, about 12-years-old, to attend to the cleaning of the Ramona School at Haifa. Neighbours said that that had been going on for years and that the girls were mistreated.

"Many children from the occupied territories, 9 to 10 years old, are working in the fields and farms of Israeli settlers, in urban restaurants and in garages, with no limitations on hours of work and for ridiculously low wages. Many children are even employed for night work, in conditions that are neither human nor social. Hundreds of boys and girls in the occupied territories are detained in prison, often without trial because they are hostile to the occupation."

"Israeli employers make a fortune by exploiting Palestinian children. Their wages do not exceed 20 per cent of those of adults (80 to 400 shekels), they work 14 hours a day and have no social rights. They are collected at 3 in the morning and they are never back before 6 in the afternoon." 19/

Felicia Langer deplores the situation of Arab children in Israeli prisons:

"Following the demonstration held on 18 March 1978 in Kalandia camp, 11 children aged from 12 to 16 years were arrested, tortured, imprisoned for several months before appearing before a military court." 20/

"The children are held in ordinary prisons, sometimes in the same cell as ordinary criminals, who

make assaults on them. That happened at Tulkarm prison in April 1978 where two prisoners, one of whom is an habitual offender in this area, assaulted a 16 year old student in his prison cell."

In her work My Eyewitness, Felicia Langer describes also the abduction of 11-year-old children with marks from blows on their faces, and she reports that the Zionist policemen said of them: "These are not mere children. These are the enemies of the State. Pay no attention to their youth, because these are terrorists".

Gold Meir, who tried to ignore the existence of a Palestinian/Arab people, was herself moved by the cry of a Palestinian newborn child.

Health services

Inadequacies of medical services and lack of measures to develop them in the occupied regions, a decrease in the number of private sector physicians following deportation, expulsion and a ban on returning home - all these factors explained the low level of medical services in the occupied territories, which has increased infant mortality. 21/

According to official statistics, the mortality rate in Ramallah was 7 per cent in 1973 and 8 per cent in 1975, the highest rate in the world.

"Palestinian children are anaemic because of a lack of iron. According to UNRWA statistics for 1979, 'one half of the children under 3 years of age in the refugee camps barely reach a satisfactory health level, while the other half are anaemic'. 22/

"The struggle for the rights of the child is inseparable from the struggle against colonialism, fascism and racism". 23/

We believe, therefore, that the United Nations should protect our children from war and oppression. The vicissitudes of occupation and exile deprive them of the most elementary rights and human dignity. One third of them have no opportunity for schooling. Many of them have experienced more than once the sad condition of refugees, while others find themselves, while still young, at the head of a family, after losing their parents. They are thus victims of an irremediable prejudice, on both the moral and physical plane. The violation of their rights deprives them of the normal resources that would enable them to enjoy the economic and social conditions necessary for their development. The right to life, the first of the fundamental human rights, is denied to the Palestinian child.

How will Palestinian children ever be able to enjoy the happiness, national freedom and peace which are their birthright?

Is it possible to envisage a future where freedom and a national home will help us to create a normal situation where hunger and malnutrition will no longer exist, where education will prepare them to assume their duties as responsible citizens, where the sky and the sea will no longer bear missiles and bombs and where, in the stability of a home, these children will be able to face the problems which are those of all children throughout the world?

Until such time, Palestinian children will continue to fight, with their elders, for the achievement of their goals and for the establishment of their own State in their territory, or more succinctly, for the attainment of their inalienable historic national rights.

Notes

1/ "Give the land without a people to the people without a land", Zionist leader Israel Zangwill. See, for example, Yigal Allon, Ha Sephler Ha Palmach; Ben-Gurion, Rebirth and Destiny of Israel; Menachem Begin, The Revolt. Story of the Irgun.

2/ Yesha Arjahu Ben-Pirat. Yediot Aranot, 14 July 1972.

3/ See Guy Derthur, Le racisme de l'Etat d'Israël (Paris, 1975).

4/ Bassem Sarhan, The Arab Children - Generation of Liberation, p. 98.

5/ Report of the Group of Experts.

6/ Ibid., p. 33.

ding emi- grés	47 000	9	8	445	30	528	31	600	30		
			58 000	457		702					
			(322 454)		(23)						
			(1 936)		(305991)						

* "Give the land without people to the people without land" (Zionist leader Israëli Zangwill).

a/ Two years before the creation of the Zionist movement at the first Zionist Congress in 1895 at Basle.

b/ Two years after the proclamation of the Balfour Declaration, whereby the United Kingdom promised to make Palestine the national home of the Jewish people.

c/ Before the outbreak of the 1948 war and the creation of the Zionist entity.

d/ After the creation of the Zionist entity.

Table 2

USURPATION OF LANDS IN PALESTINE BY THE ZIONISTS (1895-1967)

(Areas in dunums - percentages)

	1895		1919		1939		1944		1947		1948		1967
	Dunums	%	Dunums	%	Dunums	%	Dunums	%	Dunums	%	Dunums	%	
Total	26320000	100	26320000	100	26320000	100	26320000	100	26320000	100	26320000	100	All of Pales- tine is occupied by Israel
Owned by Arabs													
Owned by Jews	26212900	99.5		97.5	24768600	94.4	24588700	93.5	11457096	43.5	5948320	22.6	
			25670000										
	107100	0.5		2.5	1533400	5.6	1731300	6.5	14862904	56.2	20371680	77.4	
			650000										
Number of Jewish settlements	14		71				259		Partition of Pales- tine by force and war				
					231								

Table 3

NUMBER OF ZIONIST SETTLEMENTS ESTABLISHED ANNUALLY DURING THE PERIOD 1895-1980

Year	1895	1919	1939	1944	1947	1948	1949	1967	1973	1974	1975	1976	1977	1978	1979	1979- 1983
Num- ber					Parti- tion			June	Octo-							

of set- tle- ments	14	71	231	259	of Pales- tine	War		war	ber war	30	30		70	28	...	84 *
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a/ Estimate given in the master plan for expansion of settlements in the West Bank and the Gaza Strip (1979-1983), quoted by the World Zionist Organization, Rural Settlement Service, Jerusalem 1978. This figure represents the establishment of 46 proposed new settlements and completion and expansion of 38 others under construction or already in existence.

Table 4

COMPARISON OF SALARIES DRAWN BY TEACHERS IN ISRAEL AND IN THE WEST BANK ON
1 JANUARY 1981, IN ISRAELI SHEKELS

Quali- fica- tions	Years of expe- rience	Gross salary in Israel	Net salary in Israel	Gross salary, West Bank	Net salary, West Bank	Percentage difference between Israeli net salaries and West Bank salaries	Average per- centage diffe- rence between Israeli salaries and West Bank salaries
B.A.	1	3 382	2 549 9	2	1 839	38.6%	
	10	4 826	3 301 2	2	2 000	65.0%	57%
	20	5 786	3 722 2	2	2 208	68.0%	
Quali- fied teacher	1	3 061	2 341 9	1	1 604	45.9%	
	10	4 429	3 102 5	2	1 813	71.1%	64.7%
Gra- duate of a teacher trai- ning school			3 547 5				
	20	5 349		2	2 000	77.3%	

Note: According to Etzione, Israeli salaries were to increase by 60 per cent. Recommendations: The result would be an increase in the gap between the salaries of Israeli teachers and those of West Bank teachers.

**H. RESTORATION OF HUMAN RIGHTS OF THE PALESTINIAN PEOPLE:
THE ROLE OF THE UNITED NATIONS AND THE SUPER-POWERS**

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The Palestinian people has been in a state of dislocation and dispersion for the last 33 years. Its statelessness has denuded it of human rights, and its subjugation/dependence has deprived it of the commonly accepted standards of civilized being and living. They live in perpetual dehumanizing conditions and are in constant danger for their lives. The fruits of human civilization, social and political progress, as expressed by the world community in the form of the Charter of the United Nations and the Universal Declaration of Human Rights, have failed to reach them.

The world community has reached a consensus on the common standards of acceptable international conduct by using the forum of the United Nations and expects this body to enforce these measures for all peoples of all nations. The super-Powers - the United States and the Soviet Union - as the repositories of the greatest military and economic power, and thereby the wielders of dominant influence in world affairs, continue to play an important role in setting the tone of the outcome of deliberations, debates and discussion of United Nations organs. By and large, it is their power and influence, both within and without the folds of the United Nations that determine the effectiveness of the decisions and resolutions of the various organs

of the world body. Their policies of economic and military aid, and diplomatic and political support help or hinder the implementation of consensus of the world community on human rights.

Against the above backdrop, this article is an attempt to describe and analyse the extent of deprivation of the human rights of the Palestinian people and the politics of Israel in this regard. The foregoing objective is intended to be achieved by focusing on:

1. Standards of civilized being as decided upon by the world community in the United Nations Charter and the Universal Declaration of Human Rights, and the efforts of United Nations organs to implement them with regard to the Palestinian people;

2. The role of the super-Powers in providing and/or forestalling the human rights of the Palestinian people, both within and without the United Nations; and

3. Suggested ways and means for the removal of obstructions in the way of the realization of human rights for the Palestinian people.

A. The problem

1. The Palestinian people

The Palestinian people has been in the "diaspora" since the establishment of the State of Israel in 1948. Britain got the Mandate over Palestine from the League of Nations on 24 July 1922. 1/ Earlier, on 2 November 1917, through the Balfour Declaration, Britain had promised the Zionists "the establishment of a national homeland for the Jewish people". 2/

Britain, as the Mandatary Power, facilitated large-scale Jewish settlement in Palestine. At the time of the issuing of the Balfour Declaration, the Jewish population in Palestine numbered some 56,000 against an Arab population of 600,000. At the end of 1946, Palestine contained 1,887,000 people, of whom 625,000 were Jews. 3/

Failing to resolve the conflicting moral-legal claims of the Palestinians and the Zionists, which over time had become political issues as well, Britain turned over the whole Palestine question to the United Nations. The 11-nation United Nations Special Committee on Palestine recommended the partitioning of Palestine into an Arab State, a Jewish State, and an internationalized Jerusalem. The General Assembly adopted the notion of partition on 29 November 1947. 4/

Immediately war ensued between the Palestinians and the Zionists. On 15 May 1948, the proclamation for the establishment of the State of Israel was issued. The involvement of neighbouring Arab States in support of the Palestinian people catapulted the conflict in Palestine between rival nationalism into a contest between the Arab States and Israel.

The outcome of the Arab-Israeli war of 1948 produced far-reaching modifications in the original United Nations partition plan. The Palestinian Arab State envisaged by the plan failed to emerge. The armistice agreements between Jordan and Israel, and between Egypt and Israel, of April 1949 and February 1949, respectively, gave Israel some 2,500 square miles which it formally annexed to the 5,600 square miles allotted to it by the partition plan. Trans-jordan acquired 2,200 square miles which she formally annexed, transforming itself into the State of Jordan. Egypt retained control of the Gaza Strip, some 135 square miles. 5/

The non-materialization of the Palestinian State produced major reshuffling of Palestine's population. Chased by the Irgun terrorists' over 700,000 Palestinian Arabs fled from their homeland. Lebanon received 80,000, Jordan 400,000, Syria 80,000 and the Gaza Strip 150,000. Some 120,000 remained under Israeli control. 6/ The General Assembly resolution of December 1948 declared the expelled Palestinians as refugees, with a right to return or compensation.

The Middle East war of June 1967 brought about further territorial and demographic changes. Israeli forces captured the Golan Heights, the West Bank, the Gaza Strip and the Sinai Peninsula from the Arabs, placing 1 million Palestinians under the control of the occupying forces. The number of Palestinians living in Arab States crossed the mark of 1 million.

The Zionist expansionism has rendered more than a million Palestinian people homeless. In the West Bank and the Gaza Strip, about a million have been placed under the direct control of Israel.

2. Israel and the occupied territories

The occupying Power of Palestine, Israel, is a parliamentary democracy. It claims to maintain high standards of "justice" and civilized life.

The occupied territories are under military government. Armed forces, rather than civilians, are responsible for law enforcement and public security. The residents of the West Bank and the Gaza Strip

are largely subject to military orders, which deny most human rights to the Palestinian people. The Government of Israel has consistently violated the Fourth Geneva Convention of 12 August 1949 pertaining to the protection of civilian population under military rule. Rather, it adamantly maintains that these territories are not within the purview of the said Convention.

The Palestinian people living in the West Bank and the Gaza Strip enjoy very little normal civilian life. Arab newspapers are published under strict censorship. There is no freedom of speech and expression. Municipal elections were permitted in 1972 and 1976, but the one scheduled for spring 1980 was postponed indefinitely. Beyond this, political activity and organization are banned.

The occupying authorities have increasingly applied stringent measures towards the Palestinian people. Israeli interrogators routinely ill treat and often torture Arab "security suspects". Torture is used to extract information as well as to pacify the occupied territories. The purpose appears to be to bring home to the Palestinian people in the occupied territories that it is painful to behave passively.

The Palestinian people in the occupied territories have been subjected to inhuman and degrading treatment or punishment, including deportation. The severity and frequency of such occurrences increased following the death of six Jewish settlers in Hebron on 2 May 1980. Twice severe curfews were imposed in Hebron, causing extreme hardships to the residents. Males in villages and refugees camps have been rounded up and held outdoors for extended periods of time as a form of general punishment of the inhabitants. The mayors of Hebron and Halhoul and the Qadi of Hebron were deported to Lebanon on charges of inciting people to violence. 7/

Excessive force has been used to quell or disperse protest demonstrations. In November 1980, troops deliberately fixed at the legs of demonstrating youths and wounded 16 boys and girls. 8/

The Palestinian people have been subjected to administrative detention in gross violation of the Fourth Geneva Convention under which administrative detention is not permissible beyond one year from the "general close of military operations". Though administrative detainees have recourse to appeal, it is rarely exercised, as appeals have never resulted in a reversal of the decisions of the military authorities.

Alleged security offenders are tried by the military courts. Though the accused can engage a counsel for his defence, the convictions are mostly based on confessions obtained through coercion and torture. 9/ No appeal against the military court's verdict is possible.

The military authorities enter private homes and institutions in pursuit of security objectives. During the May-June 1980 crackdown, several breakages, despoliations and beatings took place. Settlers taking advantage of the situation engaged in vandalism and looting. The soldiers plundered the homes during the military search of the village of Silvad in December 1980. 10/ In violation of the Fourth Geneva Convention the houses of individuals believed to have been involved in terrorism have been demolished or sealed up, and families displaced. Between July 1967 and August 1971, Israel demolished 16,212 homes and deported 1,130 known "agents of subversion". 11/ At least 23 homes were demolished in 1980, and at least 6 other homes were sealed up on security grounds. Near the site of the 2 May 1980 attack, Israeli authorities blew up a number of commercial establishments. 12/

Extremist Israelis frequently indulge in terrorist acts against the Palestinian people. On 2 June 1980, the mayors of Ramallah were maimed by bombs allegedly set for them by Jewish extremists. 13/

Israel has restricted economic development of the occupied territories on both commercial and political grounds. It is keeping the West Bank and the Gaza Strip as captive markets. In contravention of article 49 of the Fourth Geneva Convention, Israel has established more than 100 non-military settlements in the West Bank and the Gaza Strip. Land appropriations for settlements have adversely affected the livelihood of many Arabs, compelling them to quit farming and become day labourers. Palestinian agriculture and livestock have been adversely affected owing to the exploitation of limited water resources in the West Bank by Jewish settlers.

The occupying authorities closed several schools, including Bir Zeit University, for extended periods. In July 1980, the military governor assumed the power to dismiss university students, bar professors and revoke university charters.

The policies and practices of Israel towards the Palestinian people clearly demonstrate the degree to which the provisions of the Fourth Geneva Convention, and mutually agreed upon human rights, are being violated by Israel in the occupied territories.

The background of the problem, the problem of the Palestinian people's human rights and the Israeli violations of human rights of the Palestinian people, having been discussed above, is intended to explain the framework of human rights as well as the efforts made by the world body to enforce the same in respect of the Palestinian people.

B. Human rights and United Nations initiatives in respect of the human rights of the Palestinian people

1. Interpretation of the concept of human rights

The issue of human rights has assumed increasing importance in the past century or so. Slavery has been abolished. Rights of ethnic, linguistic and religious minorities are protected. Acts of barbarity and genocide on the subject people do not go unnoticed, unchallenged and unreprimanded.

The concept of human rights is understood differently by people pursuing different socio-economic goals. In the West, the emphasis is on the political dimension, i.e., the right to vote and hold public office, rights of freedom of speech and assembly, personal protection against arbitrary arrest and imprisonment, and the right to a fair public trial. In the developing countries, the achievement of economic and social rights, such as the meeting of basic human needs for adequate food, clothing and shelter, takes precedence over political rights like sharing in the political process. Communist doctrine does not confer individual rights. Human rights are defined collectively in terms of the needs of the State, which are considered paramount.

Traditionally, national governments have been considered responsible for ensuring proper enjoyment of and protection against any violation of the rights of the people. But the conviction that the violation of human rights is the responsibility of the world community has brought in international organizations to achieve this end. Human rights provisions have been included in the United Nations Charter, which specifically makes mention of the protection of human rights. The Preamble reads:

"We the people of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small..."

Among the purposes of the establishment of the United Nations, Article 1 includes:

"To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion".

And Article 55 emphasizes:

"With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

"... universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion."

The United Nations Commission on Human Rights drew up the Universal Declaration of Human Rights, adopted by the General Assembly in 1948. 14/ The 30 articles of the Declaration cover the full range of civil, political, economic, social and cultural rights. The General Assembly proclaimed it "common standards of achievement in human rights for all peoples of all nations". It is indubitably an authoritative interpretation of the human rights provisions of the United Nations Charter and is the basis for most of the subsequent United Nations actions in the field of human rights.

2. United Nations initiatives and the human rights of the Palestinian people

Actualization of human rights, as embodied in the United Nations Charter and the Universal Declaration of Human Rights, is the responsibility of the General Assembly, the Security Council, the Economic and Social Council, and their subsidiary bodies. The United Nations organs have taken concrete actions in respect of the human rights of the Palestinian people, which are briefly discussed below.

The human rights of the Palestinian people were spelled out, for the first time, in General Assembly resolution 3236 (XXIX) of 22 November 1974. The resolution is a major reassertion of the fundamental rights of the Palestinian people. It defines, in the operative part, the inalienable rights of the Palestinian people as follows: "... the right to self-determination without external interference; the right to national independence and sovereignty; the... right... to return to their homes and property... the right... to regain its rights by all means... [the right to be represented as] a principal party in the establishment of a just and lasting peace in the Middle East".

An important implication of the General Assembly resolution is that it legitimizes armed struggle, by the Palestinian people, against the occupying Power, to liberate its homeland.

In the following years, the General Assembly repeatedly reaffirmed these inalienable rights of the Palestinian people in its resolutions 3376 (XXX) of 10 November 1975; 31/20 of 24 November 1976; 32/40 of 2 December 1977; 33/28 of 7 December 1978; 34/65 of 19 December 1979; and 35/169 A of 15 December 1980; all under the agenda item "Question of Palestine".

Concrete measures were initiated by the General Assembly at its thirtieth session, in 1975, in the direction of implementation of its resolution in respect of the rights of the Palestinian people. By its resolution 3375 (XXX), the Security Council was requested to take the necessary action to enable the Palestinian people to exercise its rights. By its resolution 3376 (XXX) the Committee on the Exercise of

the Inalienable Rights of the Palestinian People was set up and entrusted with the task of formulating a programme of implementation of General Assembly resolution 3236 (XXIX) of 22 November 1974, and thereby enabling the Palestinian people to exercise the rights contained in that resolution. The Committee was specifically established to maintain international concern for progress towards a just solution of the Palestine problem.

The Committee submitted its report to the General Assembly on 21 July 1976, making recommendations on the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people. 15/ It proposed a two-stage plan for the return of all the Palestinian people to its homeland. In stage I, Security Council resolution 237 (1967) was to be implemented, The Palestinian people displaced as a result of the 1967 war were to return to Palestine with the assistance of the International Committee of the Red Cross and/or the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Stage II was to be carried out through the implementation of General Assembly resolution 194 (III) pertaining to the rights of the refugees to return and compensation. The Palestine Liberation Organization (PLO), as the interim representative of the new Palestinian entity, as well as other concerned States were to be associated with this operation. The following guidelines were laid down by the Committee for the establishment of an independent Palestinian entity:

1. The Security Council should establish a timetable for the complete withdrawal of Israel from the territories occupied in the 1967 war;
2. The Security Council should provide temporary peace-keeping forces to facilitate the process of Israeli withdrawals;
3. The United Nations should take over all evacuated territories to be handed over the PLO, as the interim representative of the Palestinian people;
4. Upon the establishment of an independent Palestinian entity, the United Nations, in cooperation with the States involved and the Palestinian people, should make necessary arrangements for the full implementation of the inalienable rights of the Palestinian people, the resolution of outstanding problems and the establishment of a just and lasting peace in the region.

Pursuant to General Assembly resolution 3375 (XXX), the Security Council in 1976 debated the issue of political rights for the Palestinian people. The draft resolution introduced by six non-aligned countries expressly affirmed the inalienable rights of the Palestinian people, as proclaimed by the General Assembly. It stated that, for a just and lasting peace, Israel should withdraw "from all the Arab territories occupied since June 1967". 16/ The Security Council failed to adopt it because of the United States veto. Under the agenda item "The question of the exercise by the Palestinian people of its inalienable rights", the Security Council again discussed the issue of Palestinian rights in June 1976, 17/ and October 1977, 18/ but again the draft resolutions were killed because of the United States' negative veto.

In view of the importance of self-determination as a basic human right and as the prerequisite for the exercise of all other human rights, the Commission on Human Rights adopted two resolutions in 1978.

The Commission, in its resolution 2 (XXXIV) of 14 February 1978, entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" affirmed "the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine". It further affirmed its right to return to its homes from which it had been uprooted and displaced. It called for a return of all Palestinian refugees as a component of its right to self-determination and recognized its right to regain its rights by all means in accordance with the purposes and principles of the Charter. 19/ In resolution 3 (XXXIV) of 14 February 1978, under the same title, the Commission reaffirmed the inalienable rights of the Palestinian people to self-determination, national independence, territorial integrity, national unity, and sovereignty without external interference. 20/

In December 1978, the General Assembly, in its resolution 33/29, called for a comprehensive settlement of the Middle East problem in which the Palestinian people attained all its inalienable national rights. It declared that peace must be based on Israel's "withdrawal from all the occupied Palestinian and other Arab territories". 21/ In resolution 33/28 of 7 December 1978, the General Assembly asked the Committee on the Exercise of the Inalienable Rights of the Palestinian People to keep the situation under review; urged the Security Council to take a decision on the Committee's recommendations; and asked the Secretary-General to ensure that the Special Unit on Palestinian Rights continue to discharge the tasks assigned to it by General Assembly resolution 33/28. It emphasized the need for "full attainment and exercise of the inalienable rights of the Palestinian people, including the right to return and the right to national independence and sovereignty in Palestine, and with the participation of the Palestine Liberation Organization". 22/

At the request of the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Security Council met on 30 April 1980, to consider the question of continuing violation by Israel of the inalienable rights of the Palestinian people as well as the recommendations of the Committee endorsed by the General Assembly. However, the draft resolution introduced by Tunisia reaffirming the rights of the Palestinian people to exercise its inalienable right of self-determination, including the right to establish an independent State in Palestine, the right to return home, could not be adopted because of the United States veto. 23/

The General Assembly, in its resolution 35/169 A of 15 December 1980, deplored that the

Palestine problem was still unresolved. It reaffirmed that the goal of attainment of just and lasting peace in the Middle East could not be realized without ensuring the inalienable rights of return and the right of self-determination, national independence and sovereignty in Palestine for the Palestinian people. 24/

The United Nations has been concerned with the socio-economic and cultural rights of the Palestinian people. The Secretary-General's report of October 1977 25/ led to the adoption of General Assembly resolution 32/161 of 19 December 1977, specifying the following economic rights of the Palestinian people: 26/

"... the right of the Arab States and peoples whose territories are under Israeli occupation to full and effective permanent sovereignty and control over their natural and all other resources...

"... the right of the Arab States and peoples ... to the restitution ... and full compensation for the exploitation, depletion and loss and damages to, their natural, human and all other resources ...".

The General Assembly has criticized and condemned the Israeli policy of establishing settlements in the occupied territory which has worse economic and social consequences for the Palestinian people. It set up a Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories by its resolution 2443 (XXIII) of 19 December 1968. The annual reports of the Committee provide a wealth of information on Israeli breaches of the Fourth Geneva Convention of 12 August 1949.

This discussion of the United Nations role in the restoration of the right of the Palestinian people clearly brings out the following two points.

First, the world community has not remained indifferent to the plight of the Palestinian people living in the occupied territories. It is now almost a decade that the concern has been expressed in clear terms for the restoration of the inalienable rights of the Palestinian people through the resolutions adopted by the General Assembly every year;

Secondly, the record of the two main organs of the United Nations - the General Assembly and the Security Council - with respect to the restoration of the right of the Palestinian people should be of special interest to the students of international organizations as well as cause for concern to those who are interested in a just and lasting peace in the Middle East. While the representative body of all peoples of all nations - the United Nations General Assembly - has supported the cause of the uprooted and oppressed Palestinian people, the Security Council, the preservative of big Power interests, has failed to translate the General Assembly concern for the lamentable plight of the Palestinian people into some meaningful action.

From the foregoing discussion, it would be evident that though many measures have been initiated by the United Nations to implement the provisions of its Charter in respect of human rights and of the Universal Declaration of Human Rights in the case of the Palestinian people, nothing has come about so far.

The resolutions of the General Assembly and of the Commission on Human Rights have turned out to be nothing more than nice documents wanting implementation.

In the next section it is intended to shift the focus of this discussion to the role of super-Powers on the question of human rights for the Palestinian people.

C. Super-Powers and the human rights of the Palestinian people

Factually speaking, both the United States and the Soviet Union cast their votes in the General Assembly in November 1947 for the creation of the Zionist State in Palestine. They conferred recognition of statehood on it in the immediate aftermath of the issuing of the proclamation of its establishment on 15 May 1948.

The creation of the State of Israel in Palestine rendered thousands of Palestinian people homeless. Although the Palestinian problem was there since 1948, the super-Powers, by and large, did not show much concern for the plight of these displaced persons till the morrow of the Arab-Israel war of June 1967. Apparently, they were content with the refugee status of the Palestinian people till the issuing of the National Charter by the PLO in July 1968, and the Jordanian crisis of September 1970. They regarded them mainly a United Nations responsibility, with a right to choose between return or compensation.

The shock of the events of 1967 politicized the Palestinian problem and converted the Palestinians from refugees to a people with national rights. Hijackings and attacks on persons and places brought them in sharp focus of world attention, including that of the super-Powers.

1. The United States

The United States feels a strong moral and political commitment to the survival and political independence of Israel. Israel's security and well-being are a top priority concern for policy-makers in the United States. The United States policy toward the restoration and realization of the human rights of the Palestinian people has been mostly guided and dictated by its commitments to Israel.

The United States has so far refused to recognize the PLO, the spearhead of the Palestinian

people's struggle to liberate Palestine and establish its independent sovereign State. Henry Kissinger, the Secretary of State of the United States, capitulated on the issue of Palestinian participation in the Geneva Peace Conference in December 1973 when Israel refused to go to Geneva if the Palestinians were present.

The United States-Israel pact at Geneva, initialled at the time of the signing of Sinai II by Egypt and Israel, bound Washington to continue to adhere to a policy whereby it would not recognize or negotiate with the PLO, 27/ and promised Israel the right to veto the participation of the PLO in any future peace conference in Geneva. In the United States-Israeli Memorandum of Agreement, it was agreed that the United States would prevent efforts by others to bring about consideration of proposals detrimental to the interests of Israel. 28/

These commitments by the United States have led to Washington's unqualified diplomatic and political support to Israel on all issues including the question of human rights of the Palestinian people.

This has been both inside and outside the United Nations. The United States has cast mostly negative votes on draft resolutions introduced in the General Assembly opposed by Israel. In the Security Council, the United States has consistently vetoed almost all draft resolutions impinging upon Israel.

The United States cast a negative vote in the Security Council and killed the draft resolution pertaining to the rights of the Palestinian people introduced by six non-aligned countries in January 1976. 29/ The draft resolution contained provisions affirming the inalienable rights of the Palestinian people. It demanded Israeli withdrawal from the Arab territories as a prerequisite of a just and lasting peace in the Middle East. This performance was repeated by the United States in June 1976 and October 1977 when the issue of Palestinian rights under the agenda item "The question of the exercise by the Palestinian people of its inalienable rights" came for discussion before the Security Council. 30/

A draft resolution, pertaining to the rights of the Palestinian people, introduced by Tunisia in the Security Council, was vetoed by the United States on 30 April 1980. The draft resolution had demanded an affirmation from the Council of the inalienable rights of the Palestinian people and the establishment of an independent sovereign State of Palestine. 31/

The United States has made huge inputs of economic and military aid to Israel 32/ (as is clear from the table below). This has made Israel intransigent and obdurate. The American policy-makers say that the aid is aimed at making Israel flexible in its policies through strengthening its security and economy. But in actual fact, the more strong militarily and economically the Israelis become, the more obstinacy, intransigence and obduracy they exhibit in their policies towards the Palestine question.

The receipt of most advanced weapon systems from the United States has given the Israelis a feeling that they can sit tight, perpetuate occupation and thereby continue trampling the rights of the Palestinian people of the West Bank and Gaza Strip with impunity. They have developed an aura of conquerors about themselves. The United States has made Israeli defence virtually impregnable and offence uninterceptable through a supply of most advanced weapons in its arsenal and by creating a strategic weakness in the Arab front through the withdrawal of Egypt as a result of the signing of the Egypt-Israel peace treaty of March 1979.

Thus, by and large, the United States policies towards the Middle East and its problems are an obstruction to the materialization of the rights of the Palestinian people. The United States has criticized Israel's settlement policy in the occupied territories as immoral and illegal. It has objected to the annexation of Jerusalem, occasionally blamed Israel for ill-treatment of the residents of the occupied territories, but the impact of its overall policies has been detrimental to the restoration of the rights of the Palestinian people.

In analysing the role of the successive administrations in Washington towards the rights of the Palestinian people, one wonders why a country whose internal policies on human rights are so praiseworthy has not reflected the same in the case of the Palestinian people. Apparently, one plausible interpretation of this is the United States Government's total commitment to ensure the continued existence of Israel under political pressure produced within the country.

2. The Soviet Union

From the spring of 1968, the Soviet mass media and the Government increased their interest in the Palestinian people and the PLO. Contacts were maintained with the PLO through Egypt. In the aftermath of the June 1967 war, the Soviet Union became sympathetic to the liberation struggle of the Palestinian people. Yasser Arafat, the Chairman of the PLO, paid his first visit to Moscow in 1972.

The Soviet Union, in the post-October 1973 Arab-Israeli war period, began to insist that any political solution to the Arab-Israeli conflict must include the fulfilment of the "national legitimate rights of the Palestinian people". It implied that after the Israeli withdrawal, a Palestinian sovereign entity should be established in the West Bank and in the Gaza Strip.

Moscow increasingly sought to prove the indispensability of the PLO in any Arab-Israeli settlement. At the same time, the Soviet Union tried to augment the political strength and significance of the PLO.

In a joint communiqué, on 15 November 1973, the Soviet Union and Yugoslavia endorsed the

Palestinian people's demand for a national entity. 33/ And in June 1974, Soviet sources stated clearly that "the national legitimate rights of the Palestinians" which Moscow supported meant an independent State. 34/

The Soviet Union, with a view to facilitating Palestinian participation at Geneva, demanded a new interpretation of Security Council resolution 242 (1967). They wanted to make it acceptable to the Palestinian people. An article in Izvestia said, for example, that the Geneva Peace Conference would convene with the participation of the PLO only on condition that the Palestinian question be defined "as a political question, as a question of security, the lawful national rights of the Arab people of Palestine and is not confined to the refugee problem". 35/

Arafat, during his November 1974 visit to Moscow, officially met Prime Minister Alexei Kosygin. Tass announcement of the meeting between Kosygin and Arafat was worded as if this were the meeting between two heads of government. 36/ The joint communiqué issued at the end of the visit pledged the Soviet Union's continued support for "the struggle of the Arab people of Palestine, for their legitimate rights, including their inalienable rights to self-determination and the creation of their own national home up to the formation of their statehood". 37/

The Soviet Union has consistently cast positive votes on all draft resolutions affirming the inalienable rights of the Palestinian people, before the General Assembly or the Security Council. It has been very critical of the United States negative votes in the General Assembly and Washington's use of veto on draft resolutions before the Security Council demanding the materialization of the inalienable rights of the Palestinian people, including the right to establish an independent sovereign State.

A question may be asked here whether the Soviet Union's stand on the issue of human rights for the Palestinian people is based on a genuine concern for the Palestinians or on political expediency with an eye on the future in respect of the Middle East region. Probably both considerations are there. Undoubtedly the Soviet Union's efforts to champion the cause of the Palestinians at various forums is noteworthy. However, the motives underlying this are not very clear particularly when one looks into its own internal record on human rights. Thus, one may be forced to conclude that the Soviet position on the question is not entirely free from political overtones.

This discussion of super-Powers' role in respect of the restoration of the rights of the Palestinian people may be concluded with the note that nothing substantial can be expected out of the super-Powers' activities. This leads to the logical question, that is, what should be done to redeem the situation? The next section of the present article is devoted to answering this question by advancing a few suggestions.

D. Suggestions for a future course of action

Despite the General Assembly's repeated annual declarations that the Palestinian people have national rights, such as the right to self-determination leading to the establishment of a sovereign political entity, nothing has come about so far. The main factor has been the Security Council's inability to act.

The General Assembly's formal resolutions could not be converted into a plan of action for the restoration of the rights of the Palestinian people because of the unqualified support that comes from the United States for Israel. Consequently, the General Assembly call to the Security Council to apply sanctions against Israel has not found unanimously accepting ears in Security Council circles.

What can be done under these circumstances to materialize the human rights of the Palestinian people? The following suggestions may be worth pondering in this regard:

1. The PLO, as the coordinating and integrating force for the various groups and opinions within the Palestinian people, should act to galvanize all possible support that can accrue to it so as to strengthen itself to achieve the goal for which it has been established. A two-pronged action is likely to help achieve this goal. On the one hand, at the organizational level, it should pay greater attention to internal cohesion and unity. Common bonds of identity -background, ethnicity, socio-economic, geographic, cultural, etc. - and destiny - the creation of a sovereign independent Palestinian State among the Palestinian people should be emphasized and propagated. Differences - organization and purposive - in the ranks of the Palestinian people should be amicably settled because internal dissension and absence of unity in thought and organization are likely to hamper all plans of goal attainment. Unity and cohesion will help generate an indigenous force that will have to be reckoned with by all related to this problem. On the other hand, efforts should be directed to tap all sources of strength - political, diplomatic, economic and military - at the regional as well as international levels. Proper propagation will build image and enhance the prestige of the PLO as the sole representative body of the Palestinian people and augment its power to influence the decisions of international actors involved in the question of Palestine.

2. Greater attention should be paid and utilization be made of the alternative forums, for example, the Non-Aligned Movement and the Organization of the Islamic Conference (OIC). They constitute a majority in the global political structure; the former has 94 members and the latter's strength stands at 42 States.

Moreover, most of the members of these organizations have experienced in the past the problem of deprivation of human rights; therefore, full cooperation and solid support can be expected of them. They have already taken up the cause of the Palestinian people and pressure on the super-Powers from the above-mentioned countries will hopefully lead to new initiatives that may force Israel to submit to the legitimate

desires of the world body. An equally useful weapon may be bringing economic pressure on Israel from the super-Powers.

3. The United States should be made to realize that its policy of partial settlement in the Middle East has reached a cul de sac and that it has not helped in achieving the goal of a just and lasting peace in the Middle East. Therefore, it must use its economic and military leverage with Israel to achieve a comprehensive settlement that takes into account all problems and all parties to the conflict.

4. The PLO should try to make fuller use of the American media to inform the American people how a persecuted people, the Jews, have become persecutors themselves and that the successive American Administrations are largely responsible for this. It should emphasized to them that the ideals of human dignity and honour that they preach and practice within America should be made available to the homeless Palestinian people.

It is expected that these steps will help arouse the moral sense of the American people to neutralize the pressure of the Jewish lobby on the policy-makers in Washington.

A situation in which the super-Powers begin to look at the question of Palestine without coloured glasses and adopt a policy posture on the basis of the merits of the case, both within and without the United Nations, will help materialize the human rights of the Palestinian people. Predictably an intense awareness about the magnitude of the problems and the potential dangers which permeate the region may produce pressure on administrations in the United States and the Soviet Union to seek a total settlement of the problem whereby a Palestinian people will be established.

Conclusion

The problem of Palestine has been festering for the last 33 years and the Palestinian people are languishing for its human rights.

Israel continues to follow a course wherein the Palestinian people suffer a deprivation of its human rights. American military and economic aid has encouraged Israel in the pursuit of this policy and has made it adamant to the extent of flouting world opinion.

The United Nations has failed as a world body to implement its resolutions that would lead to resolving the issue of the Palestinian people. Its efforts at redeeming the Palestinian people's situation has hardly borne any fruits because of the American Administration's attitude. Nor has the Soviet policy of coolness to active espousal of the Palestinian people's cause done any good to the Palestinian people.

Since much cannot be expected from the United Nations or from the super-Powers, it is advisable to make rigorous use of other forums of opinion, persuasion and pressure. In this regard, the Non-Aligned Movement and the OIC platforms may prove to be very effective to bring home to Israel and the super-Powers the need to act immediately to restore the rights of the Palestinian people.

Notes

1/ For text of the British Mandate over Palestine, see J. C. Hurewitz (ed.), Diplomacy in the Near and Middle East: A Documentary Record 1914-1956, (New York, D. Van Nostrand, 1956), pp. 106-111.

2/ Ibid., pp. 25-26.

3/ Harry B. Ellis, The Dilemma of Israel (Washington, D.C., American Enterprise Institute for Public Policy Research, 1973), p. 7.

4/ For the text of the United Nations General Assembly resolution on the partition of Palestine, see J. C. Hurewitz, op.cit., pp. 281-295.

5/ Nadav Safran, From War to War: The Arab-Israeli Confrontation 1948-1967 (New York, Bobbs-Merrill, 1969), p. 33.

6/ Harry B. Ellis, op.cit., p. 7.

7/ UN Chronicle, July 1980, p. 6.

8/ United States Department of State, Country Reports on Human Rights (Washington D.C., Government Printing Office, 1981), p. 1002.

9/ The Sunday Times Insight Team, Israel and Torture (Washington, D.C., Free Palestine Press, 1977), pp. 19-20.

10/ Country Reports on Human Rights, p. 1005.

11/ Israel and Torture, p. 18.

12/ Country Report on Human Rights, p. 1005.

13/ Ibid., p. 1006.

14/ General Assembly resolution 217 A (III).

15/ Official Records of the General Assembly, Thirty-first Session, Supplement No. 35 (A/31/35).

16/ For text of the draft resolution, see United Nations document S/11940.

17/ United Nations document S/12119 of 29 June 1976.

18/ United Nations document S/PV.2040 of 27 October 1977.

19/ See Official Records of the Economic and Social Council, Supplement No. 4 (E/1978/34), pp. 104-105.

20/ Ibid., p. 106.

21/ UN Chronicle, February 1979, p. 30.

22/ Ibid., p. 33.

23/ Ibid., June 1980, p. 19.

24/ Ibid., January 1981, p. 10.

25/ United Nations document A/32/204 of 14 October 1977.

26/ Previous General Assembly resolutions on the subject are: 31/186 of 21 December 1976; 3516 (XXX) of 15 December 1975; and 3336 (XXIX) of 17 December 1974.

27/ For text of United States-Israel Pact of Geneva, see The New York Times, 18 September 1975.

28/ For text of Memoranda of Agreement, see The Washington Post, 16 September 1975.

29/ For text of the draft resolution, see United Nations document S/11940.

30/ For text of the draft resolution, see United Nations document S/12119.

31/ For text of the draft resolution, see United Nations document S/13911.

32/ The table below gives details of official economic and military aid to Israel over the past three years.

33/ Foreign Broadcast Information Service (hereinafter FBIS), 16 November 1973.

34/ FBIS, 5 June 1974.

35/ Quoted by Baruch Gurewitz, "The Soviet Union and the Palestinian Organizations" in Yaacov Ro'i, ed., The Limits to Power: Soviet Policy in the Middle East, (London, Biddles Ltd., 1979), p. 262.

36/ FBIS, 29 November 1974.

37/ FBIS, 9 December 1974.

TABLE

UNITED STATES LOANS AND GRANTS TO ISRAEL
(in millions of dollars per fiscal year)

			1978	1979
1980				
I. Economic assistance - Total	791.8	790.1	786.0	
Loans	266.8	265.1	261.0	
Grants		525.0	525.0	525.0
A. Aid	785.0	785.0	785.0	
Loans	260.0	260.0	260.0	
Grants	525.0	525.0	525.0	
(Sec. Supp. Assist.)	785.0	785.0	785.0	
B. Food for Peace	6.8	5.1		1.0
Loans	6.8	5.1		1.0
Grants	0.0	0.0		0.0
Title I - Total	6.8	5.1		1.0
Repay. in S-Loans	6.8	5.1		1.0
Pay. in foreign currency	0.0	0.0		0.0
Title II - Total	0.0	0.0		0.0
E. Relief Ec. Dev. & Wfp.	0.0	0.0		0.0
Vol. Relief Agency	0.0	0.0		0.0
C. Other Economic Assistance	0.0	0.0		0.0
Loans	0.0	0.0		0.0
Grants	0.0	0.0		0.0
Contr. to IFI	0.0	0.0		0.0
Peace Corps	0.0	0.0		0.0
Others	0.0	0.0		0.0
II. Mil. Asst. - Total	1000.0	4000.0	1000.0	
Loans	500.0	2700.0	500.0	
Grants		500.0	1300.0	500.0
A. Map grants	0.0	0.0		0.0
B. Credit sales - FMS	500.0	2700.0	500.0	
C. Intl. Mil. Ec. Trng.	0.0	0.0		0.0
D. Tran-Excess Stock	0.0	0.0		0.0
E. Other Grants	500.0	1300.0	500.0	
III. Total Economic and Military	1791.8	4790.1	1786.0	
Loans			766.8	2965.1
Grants		1025.0	1825.0	761.0

Other United States loans	5.4	68.7	301.4	
Export-Import Bank Loans	5.4	68.7	301.4	
All others	0.0	0.0	0.0	

Source: United States Department of State, Country Reports on Human Rights, 1980.

The table does not include huge sums that are collected in the United States through tax-free 'charity' and other contributions to funds for Israel and the proceeds from the sale of Israeli bonds in America.

IV. FOURTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

**(31 August-4 September 1981,
Havana, Cuba)**

A. RETRIEVING PALESTINIAN NATIONAL RIGHTS

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It is now recognized that the question of Palestine constitutes the core of the conflict in the Middle East. Its successful resolution presumably will lead to an enduring peace. The core of the question of Palestine is the fundamental right of the Palestinian people to self-determination; the violation of that right first by Great Britain when it set in motion its colonial occupation of Palestine in 1919 and second by Israel when it was established in 1948 is what produced the ongoing conflict in Palestine between Palestinian Arabs and Israelis. While this much is known, there is considerable ambiguity, sometimes deliberately fostered, about the precise meaning and implication of this right of self-determination. Furthermore, even when there seems to be a consensus over the precise meaning and implication of what is meant by the Palestinian right to self-determination, there is a question concerning the process by which this right is to be brought about.

Our task in this essay therefore is to clarify the Palestinian understanding of the right of self-determination and the process by which it will be realized.

From the onset of the conflict over Palestine, three distinct views concerning the population of Palestine could be discerned. The Zionist view, expressed abundantly in Zionist literature throughout history, has been that either Palestine was an uninhabited place or when it was inhabited, its population was largely a nomadic population that lacked the basic qualities that would qualify it for real political existence. And when they were extremely generous, the Zionists admitted that the largely nomadic and backward population of Palestine were Arabs who had migrated to Palestine from neighbouring countries and thus had no right to it. The intent of this argument was to make it possible for European supporters to view the Zionist ambition of establishing a Jewish State as both a positive act and beneficial to the population in question.

The cumulative impact of the Zionist argumentation of the late nineteenth and early twentieth centuries led the British Government, which developed a strategy for the control of the Arab world, to denude the Palestinians of their national and territorial identity. Thus, when the Balfour Declaration of 2 November 1917 was issued, pledging the British Government to support the Zionist effort to transform Palestine into an eventual Jewish State, the Declaration did not see fit to refer to the Palestinian population as a national community. It neither referred to them as Arabs nor as Palestinians. It merely referred to the "existing non-Jewish population of Palestine". In other words, the more than 700,000 people of Palestine who constituted then more than 99 per cent of the population were denuded of any national or territorial identity. Throughout the Mandate period, the British administration continued to refer to the population in terms of their "confessional" affiliation: thus, Palestine was inhabited by Moslems, Christians and Jews. Only rarely did the British refer to Arabs and certainly not to Palestinians. Subsequent to the establishment of Israel, this policy of denuding the Palestinians of their national, cultural and territorial identity continued unabated: thus, Israel today classifies its population in terms of their "confessional" affiliation and refers to Jews, Christians, and Moslems or to Jews and non-Jews.

The Palestinian areas that came under Israel's occupation in 1967 have experienced a similar fate in terms of their loss of national and cultural identity. Israel neither refers to the territories as Palestine nor as Palestinian areas but identifies them as Judea and Samaria. Furthermore, it refers to the population either as the "residents" of the administered territories or simply as Arabs. The intent of the designation is clear: on the one hand, Israel views the Palestinian citizens of these areas as "residents" who thus do not possess the right of citizenship and ownership of the land and, on the other hand, it views them as culturally affiliated with a broad national community and not possessing a specific national and territorial identity of their own that could be the basis for an independent political existence.

Confronted with this consistent denial of their specific national territorial identity, the Palestinians have historically and politically responded with a very specific territorial and cultural assertion. In making their presentation to the British Government in 1922, the Palestine leadership maintained the right of the Palestinian Arab people essentially on two grounds: one is that the Palestinians are the rightful possessors of their land, which they have lived on since time immemorial. As such, they contended that there is a specific Palestinian population whose territorial identity is derived from their continuing inhabitation of the soil of Palestine. In terms of their cultural and national identity, the Palestine leadership maintained that that identity was finally shaped in the wake of the cultural, religious and national transformation of Palestine in the seventh century. Thus, their Arab identity based as it is

on the language and culture of the Arab national community can easily be dated to that transformation. But within that cultural and national identification, there has always been a specific territorial dimension that produced the specific Palestine Arab identity. In terms of religious identification, the Palestine leadership maintained that the Palestine Arab population has always contained the three religious groups - Moslems, Christians and Jews - who are indigenous to the land.

In a very important sense, the Palestinians have always been conscious of their specifically Palestinian Arab identity that has produced a distinct cultural manifestation that expressed itself in arts, crafts, literature, economy and politics. And it is that distinct political consciousness that impelled Palestinians to participate in the politics of the Ottoman Empire in the late nineteenth century, long before the confrontation with either Zionism or British imperialism accentuated the political drive of the Palestinians for independence.

The conclusion is obvious and inescapable: the contemporary Palestinian drive for independence, which is one aspect of the Palestinian right to self-determination, is premised upon a long-standing consciousness of a distinct territorial and national identity of which Palestinians have been conscious historically. While some may argue that the right of the Palestinians today to national independence is justified on the basis of a contemporary consciousness of identity that developed in response to Israel's occupation of their lands, a more accurate and reasonable reading of Palestinian history and the presentation of the Palestine case historically reveal beyond any doubt that the Palestinian consciousness of their identity was an important component of their ideology in the struggle against British colonialism and the Zionist movement.

We can at this juncture conclude that one of the most basic rights of the Palestinian people that is to be included in our interpretation of the Palestinian right to self-determination is the right to national identity. Understood in this manner, the retrieval of Palestinian national identity not only becomes an important component of the struggle of the Palestinian people to self-determination but further entails the unconditional termination of the contemporary political, physical, geographic and cultural fragmentation which has characterized the Palestinians since the establishment of Israel on Palestinian soil.

The second dimension of the Palestinian right to self-determination is their right to national independence. The Palestinians have asserted that right first as a component of the Arab national community when the latter engaged in a struggle against the Ottoman system to obtain national independence for the entire Arab Provinces of the Empire, including Palestine. As part and parcel of that struggle, the Palestinians campaigned for greater participation in the Ottoman system, including their right to be represented in the Ottoman Parliament. It should be recalled that Palestine as such obtained the right to send representatives to the Ottoman Parliament beginning in 1876. Whenever the Parliament was convened, Palestine was more or less adequately represented by its own delegates. In the wake of the Young Turkish Revolution of 1908 and the subsequent attempt of the Young Turks to Turkify the population and to increase the power of the central government, the Arab national movement clashed with the Turkish nationalist drive, a clash that ultimately impelled the Arab nationalist movement to seek total national independence for the Arab provinces. Thus, when the Arab Revolt against the Ottoman Government was declared in 1915, its purpose was clear: national independence for all the Arab provinces. Not only did the national leadership include significant Palestinian figures but the Palestinian masses rallied to the call of the leadership and actively took part in the Arab Revolt. It was in the course of that Revolt that a number of leaders were apprehended by the Turkish military governor, Jamal Pasha, and eventually were put to death. A number of such leaders were drawn from Palestinian ranks.

Not only was the British Government aware of the assertions of the Arab leadership but they were fully aware that Palestine was included in that Arab assertion. When the Mandates were imposed on the Arab provinces, the British Government was violating its pledges to the Arab leadership which it had made during the course of the First World War. More than this, the British had already formulated a policy with specific reference to Palestine which was fully intended to deprive the Palestinians of their right to self-determination, including their right to independence. Two points are worth recalling. The first point is that the British, in part because of their commitment to the Zionists to transform Palestine into a Jewish national home, were fully conscious of the necessity of depriving the Palestinians of their right to self-determination. Lord Balfour, the author of the notorious Balfour Declaration, made that intent crystal clear in a statement that is now part of the public record of the Palestine question; he stated "For in Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country ... (note the denuding of the national identity of the Palestinians). The four great Powers are committed to Zionism and Zionism, be it right or wrong, good or bad, is rooted in age-long tradition, in present needs, in future hopes of far profounder import than the desires and prejudices of the 700,000 Arabs who inhabit that ancient land". Without question that statement became the cornerstone of subsequent British policy in Palestine. The second point relates to the question of Palestinian independence.

The British had entered into agreements with the Arab leadership which facilitated the wartime alliance between the two parties. The Agreements, known to posterity as the Hussein MacMahon Correspondence, pledged Arab support to the Allied effort in the Middle East in return for British support of Arab independence subsequent to the defeat of Turkey. The British, of course, had other intentions but were compelled as a result of the Agreements to grant the legitimacy of the Arab claims, with two important modifications. The first modification came in the form of the Mandate system, which essentially accepted the right of the national population to independence but postponed its application for a period of time. Thus, when the Mandate system was imposed, each territory that came under it was declared to be "provisionally independent". That provisional independence was acknowledged in the Mandate of Palestine. While in theory and law, Palestine was declared to be a State "provisionally independent", the actual intentions of the British were in conflict with that declaration. As the contradiction between the reality and theory became more clear, the British became more honest in stating and pursuing their intentions. It was the Duke of Devonshire, the Under-Secretary of the colonies in 1922, who gave full expression to the British intent to

deprive the Palestinians of their right to independence when he stated "What we promised was to promote Arab independence throughout a wide area. That promise we have substantially fulfilled ... The Arabs as a whole have acquired a freedom undreamed of before the war. Considering what they owe to us, they may surely let us have our way in one small area (Palestine), which we do not admit to be covered by our pledges, and which in any case, for historical and other reasons, stands on a wholly different footing from the rest of the Arab countries ...".

Irrespective of the veracity of Devonshire's statement, the British intention was made abundantly clear: Palestine was not construed by them to fall within the purview of the projected independence of the Arab countries and thus the Palestinians had no right to national independence. Subsequent British policy in Palestine, regardless of its many ambiguities, was clear on that point.

From the standpoint of the Palestinian people, it is clear that its assertion of the right to national independence is premised on the existence of a distinct territorial national political community that participated in the political process of the Ottoman system and that eventually sought political independence from the Ottoman system. Its search for political independence led to its struggle militarily against the Turks and subsequently to confront the colonial occupation of Palestine by Britain. The latter's denial of that right of national independence led to the perennial confrontation between the Palestinian community and the British administration.

The third dimension of the Palestinian right to self-determination entails the right to representation. Historically, the Palestinians took for granted their right to send their own representatives to the Ottoman Parliament. The Ottoman system of representation acknowledged that right as well. Thus, when the Palestinians asserted their right to national independence, they similarly asserted their right to be governed by their own officials. When the British administration was forcefully imposed, not only was the Palestinian right to independence denied, but equally their right to be governed by their own officials was violated. At no point in the historical evolution of Palestine since the imposition of the Mandate were the Palestinians permitted to elect their own national representatives. The first test of this principle came about quite early in the British/Palestinian encounter. Subsequent to the Palestinian uprising of 1921, which incidentally was not unanticipated by the British occupation authorities, a Palestinian delegation representing the Palestinian national community was dispatched to London for the purpose of negotiating with Britain the disposition of Palestine. That delegation, led by the then universally acknowledged leader of Palestine, Musa Kazim al-Hussaini, presented the Palestinian demands to the Secretary of the Colonies, none other than Mr. Winston Churchill. The demands, among others, called for two very specific points: first, the annulment of the Balfour Declaration which was issued unilaterally by the British Government and, second, immediate national independence for Palestine. It became quite clear in the process of discussions that the British Government was not prepared to accept either request and quite rapidly the negotiations broke down. It is important to point out that the Palestinian demands expressed by the Palestine Arab delegation represented the Palestinian national consensus of the time, a consensus that was in conflict with the British-Zionist consensus of the time. But what is perhaps equally significant is the way in which Britain rejected Palestinian demands. Then, as now, it was more important for the colonial administration, like the Government of the United States today, to deny the legitimacy of the representative character of the Palestinian leadership than the legitimacy of the political programme espoused by the Palestinian leadership. In responding to the demands of the Palestinian leadership, Mr. Churchill, in a long statement addressed to the delegation (which incidentally he refused to meet just as the various American administrations have consistently refused to meet with the Palestinian leadership of today) expressed his views in the following fashion:

"I am to point out in the first place that, while your Delegation is recognized by Mr. Churchill as representing a large section of the Moslem and Christian inhabitants of Palestine, and while the Secretary of State is anxious to discuss his present proposals informally with recognized representatives, such as yourselves, of an important section of the community, he is not in a position to negotiate officially with you or with any other body which claims to represent the whole or part of the people of Palestine, since no official machinery for representation has as yet been constituted. It is with the object of providing the people of Palestine with a constitutional channel for the expression of their opinions and wishes that the draft constitution has been framed."

In a very important way, that statement became the third pivot of British policy towards the Palestine Arabs. At no point during the Mandate period was the Palestine leadership acknowledged as the legitimate leadership of the Palestinian people. Then as now the argument is static: in the absence of "elections" which can neither be held nor be allowed by an occupying Power, the leadership cannot be acknowledged as the "representative" of the people in question. Yet as in all situations which pits a colonized people against the colonizer, the colonizer ultimately fails in its effort to detract from the legitimacy of the national leadership. This was the case of the Palestine leadership. During the Mandate period, the Palestinians acknowledged the leadership of the Arab Higher Committee and after the occupation and dispersion of 1948, the Palestinians rallied to the Palestine Liberation Organization (PLO) and acknowledged its legitimacy. Today, an important component of the Palestinian national consensus is that the PLO is the sole, legitimate representative of the Palestinian people and is the only authority that is competent to negotiate on their behalf nationally, regionally and internationally.

As a consequence of this Palestinian consensus, today all the Arab States and practically all countries of the third world and the socialist system acknowledge the representative character of the PLO. Even Powers that are outside this broad international consensus grudgingly accept the representative character of the PLO. The United States, which has assumed the role of a principal protagonist of Palestinian aspirations and the PLO, occasionally acknowledges that the PLO represents a "substantial proportion of the Palestinian people". Yet despite this kind of modified acknowledgement the historical Powers that bear the principal share of responsibility for the current occupation, dispersion and fragmentation of the Palestinian people continue in their efforts to try to identify more pliable "representatives" whose political programme

would differ substantially from the Palestinian national consensus. This conflict over the right of the Palestinian people to its own representatives is now epitomized in the Camp David agreements. For it is clear from these agreements that they not only deny the Palestinian right to national identity and national independence and address themselves exclusively to the fate of less than one third of the Palestinian people and less than 20 per cent of the soil of Palestine, but additionally search in vain for a negotiator other than the legitimate representative of the Palestinian people. It is this combined violation of the fundamental rights of the Palestinian people which account for the moribundity of the Camp David agreements.

The Palestinian people have been struggling for the past 60 years to maintain their national and territorial identity to establish an independent national State on the historic soil of Palestine and to be governed by their own people. In a sense these three elements constitute the core of the Palestinian consensus on the fundamental rights of the Palestinian people. During the Mandate period, the national leadership developed a nationalist programme of action which identified the goals of the Palestinian movement and the means of attaining these goals and endeavoured to obtain Arab support for its objectives. The leadership failed in its efforts for reasons that need not detain us here. The struggle was resumed first when the Palestine Liberation Organization was established in 1964, reaffirmed the Palestinian national rights and expressed them in the "national charter"; second, the struggle was pursued more effectively and militantly subsequent to the 1967 war. Since then, the Palestinians have been engaged in a war of national liberation to realize their goals, in their pursuit of these goals, have received substantial international support. In 1969, the United Nations recognized the Palestinians' right to independence and sovereignty in Palestine and, acknowledged the Palestinians' right to return to their historic soil. In the same year, the United Nations acknowledged that the PLO was the legitimate representative of the Palestinian people.

Thus, the Palestinian leadership's definition of the fundamental rights of the Palestinians as including their right to national identity, national independence in Palestine and their own representatives is in conformity with the United Nations' identification of these rights.

B. ISRAELI SETTLEMENTS IN OCCUPIED ARAB LANDS: CONQUEST TO COLONY

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The vast areas which Israel occupied in the aftermath of the war against several Arab States in June 1967 still remain almost entirely under her control. Only a tiny portion of the Golan was restored to Syria in 1973, and the partial return of the Egyptian Sinai has been dearly paid for by Egypt's capitulation to the Camp David agreements, which have neither restored peace to the region nor brought Palestinian rights one step closer to achievement.

In fact, in the 14 years that have elapsed since the initial conquest, Israel, in defiance of the world community, has systematically planned and made operational a complex set of policies designed to absorb the territory she conquered while simultaneously expelling, subjugating or containing the Arab population which, to her unconcealed distress, she was forced to "take" along with the land. As Begin pledged openly on 3 August 1981, Israel intends to declare full sovereignty over the West Bank and Gaza within five years.

The strategies Israel has employed to this end have been diverse, the variations relating to the specific exigencies and characteristics of the separate sub-areas rather than to fundamental differences in goals. Most of the methods she has used are not recent inventions (Adams, 1977: 32 makes a similar point); they have been developed, honed and refined over the preceding two decades (between 1948 and 1967 to reduce Israel's own Arab population to an internal colony (the term is from Zureik, 1979). However, there was a critical difference in the areas of post-1967 colonization. Whereas remnants of the Palestinian population (160,000) constituted only a small minority in the land pre-empted by Israel in 1948, the areas which Israel occupied in 1967 were exclusively and often densely inhabited by Arabs (over 1.3 million), which clearly required a new approach and more drastic mechanisms. Thus, whereas the earlier "undesired" residents were given citizenship, albeit of second-class, the new populations could not be.

During the past 14 years, the Israeli goal has remained to consolidate her hold over the conquered lands and to suppress any resistance. Within this goal, the implanting of multiple centres of Jewish "settlement" has become an increasingly crucial technique in the overall strategy for converting conquest into annexation.

Needless to say, annexations, expulsions and the creation of settlements are specifically prohibited by international law. The Fourth Geneva Convention, in article 47, proscribes the annexation of occupied territory, and the United Nations has repeatedly condemned Israel's precipitous annexation of East Jerusalem and a wide belt of surrounding suburbs, villages and towns. Article 49 of the same convention prohibits the forcible transfer or deportation of residents from an occupied area, regardless of motive. And yet thousands of Palestinians have been expelled (see Lesch, 1979: 113-130, for a partial list of the "officially deported" ones) while many more have been, through measures to be described below, "pressured" to leave. The same article expressly forbids the transfer by an occupying Power of any of its civilian population into occupied areas. And yet, at the most recent count, over 90,000 Israeli Jews have been officially "settled" within the illegally-annexed Jerusalem district, and more than 30,000 others have been "settled" in some 100 nahals (military forts), villages and even towns that the Israeli Government has authorized, planned, financed and built in unannexed zones beyond the 1949 cease-fire line that Israelis refer to not as a border but euphemistically as a "green line".

The purpose of the present paper is to describe the processes of post-1967 settlement in the Golan, the West Bank (including Jerusalem), and the Gaza Strip/Sinai occupied areas. To comprehend the meaning of these processes, one must do more than acknowledge the exponential rise in the number of "settlements" and "settlers". One must understand how priorities have shifted over time, how the measures undertaken evolved in adaptation to the particular characteristics of each sub-area, and how settlement policies, rather than an isolated set of activities, are related both to similar strategies within Israel and to different activities (such as law, land and water expropriation, collective punishment and military governance) within the occupied areas. To understand these connections it is necessary to conceive of "conquest to colonization" as involving an entire gamut of means, ranging from brute force and primitive might, at one extreme, to resource deprivation and economic sanctions at the other end, passing through gradations of quasi-legal to "legal" subterfuges. Throughout it is important to bear in mind that while methods vary, the non-negotiable goals remain the same: namely, the incorporation and eventual annexation of the occupied lands.

The territories which most closely approximated the situation Israel enjoyed after 1948 were the Golan Heights and the valley land along the Jordan River (quite literally, the west bank of the river), since most of the inhabitants had been driven out by the war and forced to abandon farms, houses, infrastructure, possessions. It was in these districts that brute force cleared the area for "settlement", and it was in these districts that settlements were first implanted after the hostilities. No attempt was made to conceal the strategic and military purposes of these settlements, although Israel was, as we shall see, not adverse to exploiting the prepared farmland or to appropriating whatever infrastructure existed, as a bonus.

From the Israeli point of view, the Golan was a perfect answer to its quest for "a land without a people", even though that land lay outside Mandated Palestine. In the 1967 war, some 93 per cent of the more than 100,000 residents of the conquered territory were driven out, leaving only a small Druze remnant of some 7,000 who remained huddled at the extreme north-east corner contiguous to Syria. The fertile grain fields of the Quneitra basin lay "unclaimed" and for the taking; the irrigable tropical farmland at the southwest corner, just above Lake Tiberia, was similarly available to settlers (Harris, 1980). Since there was little population to be ruled, military rule sufficed for natives while Israeli law functioned for settlers. It was hardly surprising, then, that plans for the Golan should have been among the earliest, although for a long time plans far outdistanced execution.

The Allon Plan of 1967 recommended that some 20 "agricultural" villages, designed to contain some 7,000 "frontiersmen", be established within 15 years. A string of settlements near the Syrian "border" was clearly devised as a border "marker" and as a first line of defence. The settlements near Lake Tiberias, on the other hand, were to constitute a rear guard defence as well as an economically profitable set of investments. By 1969 plans had exploded to a more ambitious (but then unrealistic) scale which foresaw a resident population that would reach 45,000-50,000 in industrial and service towns and agricultural villages, within 10 years. It should be pointed out that in 1969, when such plans were being set forth, only 300 Jewish "settlers" had actually been implanted, scattered in 11 "settlements" that were military outposts.

In fact, the Allon Plan has proven to be the more realistic of the two, since at the present time the Golan contains some 28 skeletal settlements that, even with the post-1977 new town of Qatzrin under construction, contains a population barely exceeding Allon's target. But it was setbacks and controversy that yielded what to the Israelis are considered disappointing results. The inhospitable Golan initially had to compete for scarce settlers with the economically more attractive Jordan Valley and Rafiah-Sharm al-Shakh projects and with the crash projects in and around Arab Jerusalem. In consequence, by May 1972, there were only 600 "settlers" on the Golan, a number that increased only modestly by the time of the October 1973 war. About a third of the settlers, those in the first line of settlements, abandoned their indefensible sites on the first day of Syria's tank thrust, while many of the remaining two thirds, concentrated in the south, prepared to flee. It was only after the new cease-fire that settlement began in earnest.

As Allon told one interviewer in 1978 (Harris, 1980-82):

"The lesson we learned from the Yom Kippur (1973) War was that every settlement should be fortified as if it were a military fortress."

In response to this view, by early 1974 a total of 18 settlements had been established containing a combined population of about 1,800 persons, a quantity that had risen to only 2,200 in some 20 settlements two years later. This slow progress was due more to intragovernmental controversy than to lack of intent and planning. In fact, the modest July 1973 plan for the Golan had been revised by April 1975 to one which was more comparable in scope and ambition to the Plan of 1969. The focus was on establishing proprietary rights over the central Golan which, up to then, had remained empty and used only for grazing. The city of Qatzrin, whose site had been selected as early as 1974, was to be the key centre of a block of industrial villages between the Quneitra basin front line and the Lake Tiberias agricultural block. Obstructed temporarily by the opposition of Ofer, then Minister of Housing, construction did not begin on the proposed city until 1976 when he was overruled and a plan was devised for a town of 20,000 persons. The initial settlers had begun to move into this projected centre before Begin's Government came to power in June 1977, but before that date the number of settlers on the entire Golan stood at less than 4,000.

Since the rise of the Likud, however, expansions in settlements have been occurring rapidly. By the end of 1979 there were 5,500 Israelis on the Golan and one year later there were close to 7,000. But new priorities rather than a failure of intent have made Golan of secondary interest. It is not that Golan has been abandoned (indeed, pressure for immediate annexation has been mounting) but merely that rapid control over the populated West Bank became imperative to forestall not only the establishment of a

Palestinian State but even the modest amount of autonomy foreseen in the Camp David agreements. Israel lacks manpower and financial resources to work maximally and simultaneously on all fronts. It eventually chose to concentrate its money and personnel in Palestine itself.

The relatively underpopulated zone along the Jordan Valley had been, next to the Golan, the most easily colonized of the occupied zones because it too had virtually been emptied during the 1967 war. Jericho, the major city near the river, had contained a stable population to which had been added large "camps" in which refugees from the 1948 war were housed. During the 1967 war, most of this population crossed the river to East Jordan, many becoming refugees for the second time in their lives. In all, of the 84,000 Palestinians who had previously lived in the district, only 10,000 remained after 1967, leaving the zone apparently as available for colonization as the Golan. This turned out not to be the case since later it was learned that some of the landed property in the district actually belonged to Palestinian Arabs living in the more populated hill regions of the West Bank. Furthermore, the residual population of the Jordan Valley could not be governed separately from the rest of the West Bank because of their common juridical status as Jordanian citizens. Since the Israelis decided to leave Jordanian law in force - although as we shall see later drastically "amending" it to give a quasi-legal appearance to their colonization - at least ritual attention had to be paid to the form of the conquest.

The chief similarity between the Golan and the Jordan Valley, however, was that each was deemed an essential component of Israeli military strategy. Just as the settlements in Syrian territory were basically intended as forts, so also were the first settlements in the Jordan Valley again as part of the 1967 Allon Plan, which recommended "absorption into Israel of a security zone running the length of the Jordan rift" (Harris, 1980: 105). What was to have been a narrow strip only 10 to 15 kilometres wide along the river has, over the years, been progressively "thickened", at first to a depth of 15-20 kilometres and then, by the August 1975 Jordan Rift Development Plan, all the way "to the very margins of Arab cultivation on the West Bank highlands" (*ibid.*: 106).

But those changes represented no departure from the initial military intent. By the end of 1971 the first 10 settlements were in place along the first line of defence near the river. Of these, six were nahals (military forts), another three were defined as "civilian", but at least one was the suburb of Qiryat Arba, to which Jewish zealots wanting to settle in the Arab city of Hebron had been deflected in 1968.

Despite the fact that settlers willing to move to the bottom lands were offered enormous economic incentives and subsidies, preferential water allotments and land that had been confiscated for their use, few Israelis chose to do so. By June 1975, there were presumably 15 settlements in the Rift, but these were populated by only 1,800 "settlers", of whom all but 620 lived in the industrial Hebron suburb of Qiryat Arba (*ibid.*: 112), yielding an average of only some 30 persons per non-urban settlement.

Gradually, as Israel's policy of colonization on the West Bank became more intense, the special treatment originally accorded the Rift area vanished. Allon's plan, which foresaw annexation of the security belt but had left a corridor of transit between Jordan (East Bank) and the populated hill regions of the West Bank so that the two might later be relinked, was abandoned. Settlements in the "security belt" by then "thickened" to meet the hills, diversified and proliferated until by June 1977 there were 25 with a combined population of well over 3,300 although still heavily concentrated around Hebron. Since the Begin Government came to power, the distinction between hills and valley has virtually disappeared and the Allon Corridor has become the site of some of the more important industrial/service towns and villages planned for the West Bank. 1/

Despite these transformations, the Allon line settlements are still treasured chiefly for their military value. At a 1980 lecture at Tel Aviv University, for example, Israeli Chief of Staff Rafael Eytan said:

"The Jordan Valley and the Golan Heights' settlements are part of Israel's military formation and I regard them as regular army. The settlers are equipped with highly sophisticated weapons, they are well trained and know their role exactly should a war break out. Some of the settlements possess anti-tank rockets." (As quoted in the Israeli press and translated in Israel and Palestine Monthly Review, No. 83, December 1980, p. 11 of the supplement "Report on Palestinians under Israeli Rule".)

As noted earlier, however, the setting up of settlements in the valley was more complicated than in the Golan where ownership rights could be ignored. In the valley, therefore, Israel called into use the very techniques she had developed after 1948 to appropriate the property Palestinians had "lost" through defeat. Because these earlier precedents were utilized so directly, it is necessary to review that they were, to demonstrate the parallel. Sabri Jiryis (1976, especially chapters 4 and 5 on land expropriation) has lucidly summarized the "legislation" used to expropriate Palestinian landed property for Jewish use in post-1948 Israel. Most important were five early laws.

The first was the 1950 Absentee Property Law (finalizing earlier provisional regulations), which gave the Government full power to confiscate the property of Palestinians or any other Arabs who either were not then present or had, at any time after the end of November 1947 (!) removed themselves, even temporarily from their properties. John Ruedy (1971: 137) has pointed out that this meant that even Arab citizen of Israel who had never left the territory but "during the fighting or at any other time had moved a few yards or a few miles was classified as an absentee". A Custodian of Absentee Property was charged with supervising or "selling" this property to Jews. 2/ In an early study, Peretz (1958:142) estimated that in addition to permitting the confiscation of all refugee property, the law actually resulted in the confiscation of some 40 per cent of the properties held by Arab citizens of Israel. It is significant that much of the land confiscated in the Jordan Valley (as well as land in other parts of the West Bank) belonged to persons who were either temporarily or permanently absent from their residences after June 1967; this land "passed to the Israeli Military Administration in its capacity as 'Custodian of Absentee Property'" (Harris, 1980:115). 3/

Second, there were the laws that permitted the "closing off" of privately owned lands, thus prohibiting its owners from access. These had an earlier origin in the British Emergency (Defence) Regulations of 1945 which gave the military governor power to restrict entry to areas declared "closed". These "laws" had been effectively used by the Israelis in 1948-1949 to prevent Arabs from returning to their homes and villages after the fighting. In the West Bank, in an exact parallel, the Israeli Military Commander has fully utilized his "right" to declare vast amounts of land as "closed areas". "This means that except for those holding permits from the Commander, no one may enter or leave the area", not even its rightful owner (Shehadeh and Kuttab, 1980:110).

Until 1972, the Israeli Minister of Defence was permitted to designate any portion of any area that was heavily populated by Arabs as a "security zone" in which no one was permitted to live permanently nor to build, nor even to enter. Jiryis (1976) points out that almost half of the Galilee, all of the Triangle and a buffer between Israel and the Gaza Strip were all designated as security zones. It will be recalled that the Allon Plan had formally established a "security zone" in the Valley which included all but the Jericho to Jerusalem corridor. Within this security zone, military districts were freely declared. Gradually this system has been extended to other parts of the West Bank. Military Order No. 393 allows the military governor to prohibit building or to stop construction activities "if he believes that this is necessary for the security of the Israeli army in the area or for public order" (as cited in Shehadeh and Kuttab, 1980:109).

The significance of these last two "laws" cannot be overestimated, since customary law makes the right to use communal and/or unclearly titled land contingent upon continued usage. By prohibiting entry, the Israeli Government within Israel and the military governor in the West Bank can force Arab farmers or herders to "abandon" usage and therefore "create" uncultivated land whose title reverts to the State. 4/ This, too, was a "legal" device well honed since Israel was first established.

Fourth, the 1949 Ordinance governing the "cultivation of waste lands" (No. 5709) gave the Minister of Agriculture power "to assume control of the land in order to ensure its cultivation" in cases where "he is not satisfied that the owner has begun, or is about to begin or will continue to cultivate the land" (article 4, as translated by Jiryis, 1976). On the West Bank, the Military Governor exercised this power not only on lands in the Jordan Valley itself but also on "mountain lands belonging to villages situated to the west of the Rift Strip but only cultivated in years of good rainfall" (Harris, 1980: 115).

The fifth Israeli precedent for seizing property was Law 5710 (passed in 1949), article 3 of which permitted the Government to "order the seizure of property or the use of property as housing" whenever it deemed such orders necessary for "the protection of the country, public security, safeguarding essential supplies and services, or for settling immigrants, veterans or disabled soldiers" (as quoted and translated by Jiryis, 1976). Since the original emphasis in the Rift was on agricultural and grazing land, there was little need for a law of this kind, although it pointed the way to "amendments" to the Jordanian laws governing "expropriation" for public purposes, laws which will be more fully discussed when we examine settlement policies in the hill regions of the West Bank.

By far, however, maximum confiscation of land in the Jordan Valley (as had been the case in post-1948 Israel) came from the fiction of government succession. State lands, which under Islamic law existed in trust for the community, were assumed to revert automatically to the State of Israel, which would hold them in trust for the Jewish community. In the Middle East, it was only after the Ottoman Land Code of 1858 that the concept of absolute freehold tenure over land became significant, as powerful landlords registered claims over territory which, through usage, had "belonged" to those who worked it despite the fact that it was nominally in the name of the State. Even so, by 1948 a substantial portion of Palestine remained "state land" (Ruedy, 1971:122, 135). This was particularly true for desert, marginal and/or uncultivated lands or for lands used communally for pasture or grazing. In addition, over the centuries, property, including land, had been placed in mortmain (the system of wagf in which the usufruct of land or buildings might be earmarked for a charitable purpose while the title remained immobilized and under central religious administration). This too was treated as "State land" and therefore "absorbed" into the Israeli State.

While the confiscation and reassignment of "State land" to Jewish settlers is inherently no more legitimate than any other form of expropriation, the Israelis have made much of this distinction between public and private ownership in their defensive arguments. This is especially true on the West Bank, where lands which had been under the jurisdiction of the Jordanian Government were transferred directly to the Israeli military administrator (Harris, 1980:115), even though the areas were considered "occupied", rather than annexed. As will be seen in the section on more recent developments in the West Bank, the occupier is making maximum efforts to "create" as much "State land" as possible, for reasons even more important than legitimate expropriation.

The third portion of the occupied territories which received immediate attention by the Israelis after the 1967 war was Jerusalem, even though it afforded none of the ease of settlement of the Golan or even the Jordan Rift. Despite the difficulties involved, it was accorded highest priority and has actually been the recipient of the lion's share of Israeli "investment" and the destination of most of the Israeli Jews "settled" in the occupied areas. This large zone included not only the old walled city of Jerusalem but many of the suburbs, villages and farms within a large circumference around it.

Oddly enough, when the question of Jewish "settlements" is discussed, and especially when figures are released presenting the total number of Jewish "settlers" in the occupied areas, Jerusalem tends to be overlooked, despite the fact that at least 70 per cent of all Jews who have "settled" in the occupied areas actually live in the zone illegally annexed to Israel on 28 June 1967. 5/ It is impossible to

extract from Israeli statistics the exact number of Jews living in this zone since they are enumerated in the general totals for Jerusalem; similarly, it is difficult to monitor the extent to which Arabs have been displaced from this region since they too, although disenfranchised, are enumerated as part of the "non-Jewish" total for Jerusalem.

Nevertheless, one can estimate that somewhere in the neighbourhood of 110,000 Palestinian Arabs remain in East Jerusalem and its vicinity while there may possibly be as many as 90,000 Jewish settlers who, through incentives and other motivations, have occupied not only the cleared "Maghrabi Quarter" of the old city but virtually all of the surrounding hills as well. In 1958, the population of Israeli-held Jerusalem was 156,5000, of whom only slightly over 2,000 were "non-Jews", not all of them Arab Palestinians. By 1968, the population of the combined (east and west) district had reached 275,000, of whom more than one fourth were non-Jews, almost all of them Palestinians. This increase came overwhelmingly from the annexation of not only Arab Jerusalem but a wide hinterland around it. By the end of 1979, the total population of the district approached 400,000, of whom 203,225 were Jews, yielding a net increase over 1968 of some 84,000 (we have computed these from data presented in Statistical Abstract of Israel, 1980, 1981:3). Since that time the pace of expropriation and construction has accelerated dramatically. 6/

In 1976, three different plans, all recommending further expansion of settlements in the Jerusalem region, competed for adoption. 7/ The first set forth by the Ministry of Housing, recommended two to three new cities as well as a number of "neighbourhoods" around Jerusalem, including a town at Givon, to house some 1,200 families etc. These satellite cities - all, it should be pointed out, quite far beyond even the annexed boundary of Jerusalem - were self-consciously designed as a step towards further annexation.

As the architect of the Ministry of Interior commented on the plan, "there is sense and purpose in building the settlements as proposed in the plan only if there is an intention to annex that area and the area between the settlements and Jerusalem to the Israeli State" (Middle East Research and Information Project (MERIP), August 1977:20). The second, presented by the Israel Land Administration, foresaw the construction of a large (25,000-40,000 inhabitants) city in Lower Beit Horon, with the zone between it and Jerusalem linked by a series of rural settlements some five kilometers apart, i.e., Upper Beit Horon, Givon, Nabi Samuel, and Ma'ale Abram. The third plan to "fatten" Jerusalem on the north was advanced by the Settlement Department of the Jewish Agency, which recommended that four industrial villages be established at Givon. Note that whether or not settlements should be located to "expand" the perimeter of Jerusalem was not in question; the object of debate was only to determine the best way to do it. While none of these plans was adopted in full, subsequent developments have taken the substance if not the exact form of the plans. Maximum attention has been paid to creating satellites and distant suburbs, with the clear intent of eventually adding these outlying zones to the region "annexed" in 1967.

Thus, in March 1980, construction of another 10,000 dwellings was announced for the French Hill/Neve Yaacov northern axis. To the east of Jerusalem a much more serious venture has been taking shape in the form of the Ma'aleh Adumim block which is "targeted to become a major residential and industrial complex which will complete the encirclement of Jerusalem", and which, when completed, "will extend the municipality eastward more than eight miles towards the floor of the Jordanian Valley" (see the eyewitness account of Sheila Ryan and George Cavalletto, "Israeli Settlements in West Bank and Gaza", as reproduced in a supplement to Palestine!, dated September, 1980, pp. 9-17; quotation from p. 10). The satellites at Beit Horon (which it should be noted is located north of Ramallah) and Efrat (located to the south of Bethlehem) have both been receiving land allocations of hundreds and thousands of dunums, thus clearly delimiting the north-south axis of the intended "thickening" (or rather elongation) of the Jerusalem district many kilometers beyond existing annexation boundaries. At Givon, west of Ramallah, an urban centre intended to accommodate 20,000 to 30,000 inhabitants has already been authorized. 8/

The scheme that is evolving is clear. A crash programme has been mounted to construct a ring of major urban satellites to the northwest (Givon), north (Beit Horon), east (Ma'ale Adumim) and south (Efrat) of the Jerusalem district but quite distant from its contiguous suburbs. Once these settlements are in place, at least provisionally, they, together with all the intervening land between them and Jerusalem, will be annexed to Jerusalem, and thus to Israel. Not creeping but leaping annexation is the strategy that evidently has been adopted (see figure 1).

These developments in the Jerusalem area are clearly linked to a change in tactics, or rather a final resolution of the debates about strategy, vis-à-vis the fate of the entire West Bank. As we shall see below, the 1978 Camp David accords, in which Israel agreed to "consider" an "autonomy plan" for the West Bank and Gaza, merely intensified the urgency to "create facts" quickly to forestall any possibility of autonomy. The final decision to alter immediately and drastically the geographic and demographic character of the occupied area - especially of the West Bank including outlying parts of Jerusalem - was revealed in full detail in the Drobles Plan dated October 1978. We must therefore turn to the heart of the "settlement" strategy by looking more directly at the rest of the West Bank. Before doing this, however, we should look briefly at the settlements in the south-west - in the Gaza Strip, the so-called Rafiah Salient, and the Sinai proper, since the Camp David agreements also signalled a shift in the strategy there.

In 1967 Israel also expanded southward, overrunning the Gaza Strip which since 1948 had been administered by Egypt. Within a few days Israeli advanced units had reached the eastern bank of the Suez Canal deep in Egyptian territory. All of Sinai lay behind the front lines and the major Egyptian cities on the western bank of the Canal, although not occupied, suffered severe destruction and depopulation. For the next 12 years Israel continued to occupy all of this territory, but in only a few sub-areas were settlements implanted.

The Gaza Strip, inhabited by over 400,000 Palestinians and already badly overcrowded, was clearly not the most congenial setting for colonies. Indeed, by 1978, there were only 500 Jewish "settlers" in Gaza, all in military posts or at the edge of the Rafiah Salient at the Egyptian border. Even after some of the Sinai settlers were regrouped, their number had risen to only 1,000 (circa 1980, as per

Israeli newspaper accounts reproduced in Israel and Palestine Monthly Review, No. 82, Supplement for July, 1980:3). Unlike the Golan, Gaza had not been "emptied" during the war, in part because there was no escape route through the encircling Israeli army. The modest drop of estimates and the post-war census conducted by the Israeli Defence Forces in the fall of 1967 was due to (a) persons temporarily absent (working or in school abroad) who could not return; (b) some overestimation in the original Egyptian figure; (c) some possible under-reporting in the Israeli census. Despite this decrease, the Strip remained too crowded for settlements.

After the war a military administrator was set up to govern what was essentially a Bantustan or "native reserve". Movement in and out of the Strip was rigidly policed, harsh suppression of dissent has been the rule, and no effort has been made to cloak the penal colony colouration of the occupation by legalistic niceties. Collective and summary punishment, massive "preventive" detention, imprisonment, often without charge or trial, and expulsion have been the chief sanctions used to control the population.

But while governance has been military, economic relations have been civilian and profitable to Israel. On the export side, the Strip provides its chief product, oranges, and also its cheap labour. Israel controls the disposition of the citrus crop, of which about one third is marketed in Israel, the rest exported, chiefly to Jordan (Statistical Abstract of Israel, 1979: 746, table XXVII/28). Over the years the proportion of Gaza's employed labour force that commutes daily to fill unskilled jobs in Israel has climbed steadily, from only 10 per cent in 1970 to 43 per cent by 1979 (Statistical Abstract of Israel, 1980: 696, table XXXII/19). From the very beginning, of those working in Israel, the largest proportion (between 40-50 per cent) has been employed in construction, although a stable number (albeit declining proportion also worked as agricultural labourers (ibid.)). On the import side, the captive population has had no choice but to serve as an equally captive market for industrial and other products imported from Israel. Over 90 per cent of all Gaza's imports now come from Israel, while Israel accounts for only 67 per cent of the Strip's exports. This imbalance in trade yields a significant "deficit", assuring that the wages paid to Gaza Strip workers in Israel will be systematically "recycled" to the Israeli economy (Statistical Abstract of Israel, 1980: 685, table XXVII/11).

If the best analogy for the Gaza Strip is a Bantustan, the closest functional parallel to the Rafiah Salient is the original Allon "security belt" along the Jordan River. The Sinai strip is a narrow band, about 20-30 kilometers wide, that stretches inside Egyptian territory from the Mediterranean coast all the way to the southern tip of Sinai, paralleling both the Palestine-Egyptian frontier and the east arm of the Red Sea. Israeli settlements in this area included a handful along the Red Sea which in 1978 "housed" only 930 settlers. Most settlements however were concentrated on the Mediterranean coastal plain where they were designed to encircle Gaza from the southwest; by 1978, there were some 15 or more nahals and civilian units containing a resident population of some 3,500 in this area. Some 1,700 of these settlers were located within Dayan's ambitiously conceived port "city" of Yamit for which, in 1972, Israeli soldiers had driven off "some ten thousand farmers and bedouins, bulldozed or dynamited their houses, pulled down their tents, destroyed their crops, and filled their wells (article by Israeli journalist Amnon Kapeliouk in Le Monde, 15 May 1975, as quoted by Adams, 1977:38).

When the Egyptian-Israeli peace talks began, the Sinai settlements were placed "on hold" since Egypt expected to regain all her lost territory at the end of a long process of piecemeal Israeli withdrawal.

Some disgruntled Israeli settlers were relocated in Galilee or on the West Bank and other lost interest once incentives were reduced. But despite these contractions it is clear that Israel considers her presence in the Rafiah Salient absolutely essential in order to tighten the encirclement of Gaza and to ensure that the Strip will never again have administrative or geographic links to Egypt even after (or if) the bulk of Sinai is returned.

Figure 1. East Jerusalem and environs: Existing and proposed Israeli construction sites, 1967-1979 (adapted from Harris, 1980, figure 12)

While the Camp David accords removed some of the motivation for Israel to colonize all but the absolutely essential ring needed to isolate Gaza, they heightened the urgency of settlement elsewhere. The discussions, with their threatening allusions to "Palestinian autonomy", created an emergency situation. Israel had to use the interim five-year period (which Egypt anticipated would eventuate in Palestinian autonomy but which Israel even more strongly determined would lead to full Israeli sovereignty over the West Bank and Gaza) to render even a partial and impotent Palestinian State absolutely impossible.

While no attempt has been made to conceal Israel's intent to absorb the remainder of Palestine, attempts were made in the Western press from time to time to confuse the issue. All doubt has been recently dispelled not only by the written pledge Begin gave to the religious parties in August 1981 (quoted p. 1), but in a statement by Ariel Sharon, director of settlement planning and now newly appointed Minister of Defence, who said unequivocally in February of 1981.

"I shall now allow the establishment of a Palestinian State in Samaria, Judea (the Israeli terms for the northern and southern sections of the hill region of the West Bank) and the Gaza Strip." (Interview

with Sharon conducted by David Shipler entitled "Israeli Says He is Satisfied with Settlement 'Skeleton'", The New York Times, 19 February 1981:4).

In these positions, both politicians were merely confirming the statement of principles that introduced the October 1978 Master Plan for the Development of Settlement in Judea and Samaria, the so-called Drobles Plan prepared by the Settlement Department of the World Zionist Organization, which has become the guiding document for subsequent settlement activities. Paragraph 1 baldly states that "settlement throughout the entire land of Israel (which includes "Samaria and Judea") is for security and by right ... (and makes concrete) ... our right to Eretz-Israel". Paragraph 3 foretells the strategy to be employed:

"The disposition of the settlement must be carried out not only around the settlements of the minorities (sic), but also in between them, this in accordance with the settlement policy adopted in Galilee (the region within post-1948 Israel which contains the highest concentration of Palestinian Arabs) and in other parts of the country." (See the Drobles Plan, 1978, mimeo, p. 1. Italics in original).

Given the centrality of the West Bank to Israel's current strategy for colonization, we must look in detail at this zone which contains, even without Jerusalem, over 700,000 of the 1,250, 000 Palestinians who live in that area which has been under Israeli military occupation since 1967.

The somewhat densely populated hilly sections of the West Bank had, from 1967 onward, been a tiger by the tail for the Israelis. The region was agriculturally productive, in contrast to the moonscape terrain between it and the Jordan valley irrigated plain, was dotted with villages and a hierarchy of small towns and modest-sized cities that culminated in the primate of Jerusalem and it, rather than the lush Mediterranean coastal plain Israel had taken over in 1948 was, according to Jewish lore, the real location of the ancient and short-lived State of Israel. All these factors made it the most logical candidate for immediate annexation.

The problem was chiefly demographic. Even though population was down somewhat from the pre-June 1967 total, 9/ at the time of conquest the region still contained close to 590,000 Palestinian Arabs not including those who lived in the annexed Jerusalem area or in the Jordan Rift. To have added this population to Israel would have been to practically treble the number of Arabs in the State. The major internal debate in Israel just after the war (between the "maximalists" and the "minimalists") turned on how best to incorporate the area without annexing its inhabitants.

Over the opposition of such maximalists as Begin and even Dayan (the classification is Harris', 1980:34-35), the Allon Plan was adopted which effectively postponed the question of West Bank (referred to as Samaria and Judea) annexation and settlement. By 1969 the only Jewish settlements beyond Jerusalem were three small ones in the Etzion Block (between Bethlehem and Hebron) and the "illegal squatters" from Gush Emunim who had pre-empted parts of Hebron (theoretically defined as Rift but in reality part of the hill zone). The total settler population numbered no more than 800. But 1970 forced the terms of the debate. In that year, the urban settlement of Qiryat Arba was given official recognition as a technique for satisfying the Gush Emunim while drawing settlers to the outskirts rather than the center of Hebron. Policy was shifting but the exact outcome was still under debate.

Dayan was advocating more aggressive alteration in the status of the West Bank, the "mixing" of Jewish and Arab settlements, and even the application of Israeli law over the entire zone since existing Jordanian laws were proving a stumbling block in the way of changes the Israelis wanted to introduce. Caution was recommended, however. Not only were the Jerusalem and Qiryat Arba areas being overbuilt and undersettled, 10/ but insufficient groundwork had been done in reducing the resident population of the state of dependency for Jewish settlements since, unlike the Golan or even the Jordan Rift, the area was well occupied by a population which cultivated and had rights over the land. While efforts were redoubled to "fill up" the settlements that already existed, work also intensified on the two more basic issues of economic "integration" and the creation of a legitimate legal structure. The former was to prove a long and complex task, while a decision about the latter had taken clear shape by 1970. As Shehadeh and Kuttab observe:

"In 1970 Moshe Dayan proposed a governmental committee be set up to study Jordanian laws, with a view to replacing them with Israeli laws. A month later, Dayan withdrew his suggestion. After reevaluating the situation he realized that applying Israeli law over the West Bank would be tantamount to annexation ... The same advantages and for Israel could be gained if Jordanian law were preserved and the Area Commander made substantial amendments to it ... The Area Commander then began to exercise more freedom in amending Jordanian law to meet Israel's needs, and the subject matter and the pace of issuing new orders underwent a basic change.

"In effect, the Area Commander assumed full legislative power. Judging from the quantity of military orders already passed, numbering 854 (as of 1979), these powers have been fully exercised." (Shehadeh and Kuttab, 1980:102-103).

The advantages of this subterfuge have been considerable. Not only did Israel avoid premature annexation and the potential claims of the population on citizenship (which, in fact, had proven of little protection to other Palestinians before them), but she could conceal the arbitrary non-legislated changes in the "law" by hiding behind Jordanian "legitimacy" (ibid., 103-104). Not until maximum harm had been done to deprive the occupants of their land, resources, economic independence and geographic contiguity would the question of annexation and autonomy have to be raised, but by then it would be too late to reverse the process. Israel counted on accomplishing the groundwork gradually, after she had consolidated her settlements in other subregions. But the pressures from the religious Gush Emunim, from one side, and the threatened talks about autonomy, from the other, forced the stepped-up pace evident in the

post-1977 period.

Soon after the 1973 war, the Labour Government drew up a Fourteen Point Document that "explicitly stated that Israel would not return to the 1967 borders and that there would be no Palestinian State on the West Bank" (Harris, 1980:126). However, for the next two years settlements to back up this claim were hard to mount, because immigration had fallen off drastically and settlers were difficult to recruit. Emphasis was therefore laid on settling the immediate vicinity of Jerusalem and tightening the bonds of dependency between the rest of the West Bank and Israel through "economic integration". This strategy had the immediate advantage of providing Israel with labour power, which was in short supply, while assisting, in the long run, with "freeing up" land for eventual Israeli settlement.

The West Bank labour force, however, was neither as underemployed nor as captive as that of the Gaza Strip, which means that both carrot and stick were needed to recruit Arab labour for Jewish projects. The carrot was clearly jobs, primarily in construction and ironically largely to assist in "creating new realities" in the vicinity of Jerusalem. Although in 1970 only 12 per cent of the West Bank labour force was employed in Israel, that percentage was to increase to 22 by 1971 and 28 by 1972. The peak was reached between 1973 and 1975, when some 31 per cent of all West Bank workers "commuted" to Israel for employment. Since that time, the percentage has stabilized at about 28 per cent, but this masks the fact that, increasingly, those working within the West Bank itself are employed by Jewish enterprises (Statistical Abstract of Israel, 1980:696, table XXVII/19). The "sticks" were of two kinds: first, the rapid rise in the cost of living, brought about through the importation of Israel's heightening inflation, as the West Bank market was captured; and secondly, by the deprivation of alternative livelihoods, through confiscation of farm land and enclosure of communal pastures, and through the pre-emption of scarce water supplies, without which land is valueless.

Van Arkadie's study for the Carnegie Endowment for Peace, Benefits and Burdens: A Report on the West Bank and Gaza Strip Economies Since 1967, published in 1977, focuses on the market forces that governed Israel-West Bank relations between 1967 and 1975-1976. While acknowledging the peculiarities of the forced integration and the inequalities of power, which could not help but ensure that integration would most benefit Israel by providing her with a cheap source of labour and a captive market for expensive consumer goods, Van Arkadie's analysis minimizes Jewish settlement possibilities and tends to dismiss the increasingly harsh military rule as an unpleasant but not crucial (to the economy) concomitant of occupation. Somewhat more realistic is Salim Tamari's analysis (Nakhleh and Zureik, 1980: especially 89-92, which depends heavily on Hilal's 1975 study of the West Bank) which, while still arguing that economic factors have been more important than settlements in bringing about the subjugation of the West Bank, recognizes clearly the temporary and transitional nature of this stage of colonization.

The analyses have been rendered obsolete by more recent changes in Israeli strategy which were becoming evident during the last two years of Labour rule and have become even more marked since the Likud came to power in the spring of 1977. The linkages between economic dependency, land confiscation, population "displacement", and the implantation of tiny settlements, "many of them only fortified look-outs"), now so apparent on the West Bank, resemble patterns developed by Israel to "deal with" the major Palestinian concentration she inherited after 1948 in the northern province of Galilee. It would be helpful, therefore, to look at that case in which economic "integration" was supplanted by internal colonialism and then by the system which currently serves as the acknowledged model and text case for the projected settlement of the West Bank via the Drobles/Sharon Plan.

The parallels are obvious. The "Northern District" (especially the agricultural district of Galilee) was the only densely occupied part of the portion of Palestine taken over by Israel in 1948 in which Jews constituted a minority. 11/ Out of the 156,000 Palestinians remaining behind Israeli lines, close to 91,000 (or 73 per cent) lived in the northern district where they constituted 63 per cent of the total population. In a concerted effort to break up this concentration and reduce the Arab population to "minority" status, as much land as possible was confiscated, villages were destroyed, and Jewish "settlers" implanted. At the same time, efforts were mounted to incorporate the labour force into the Israeli economy and to gain control over the agricultural production in the region. By 1961, despite high rates of natural increase that raised the Palestinian Arab total to almost 143,000, Jewish residents had increased from only 53,000 to over 194,000, almost entirely through migration, making them a majority (of 58 per cent) in the district. Since that time, however, the momentum has not been sustained and by 1971-1972, the Arab minority had crept up to 46 per cent. Competition with the occupied areas for potential settlers were beginning to drain the limited pool. The "demographic nightmare" of Israeli fantasy was coming to pass; Arabs were again likely to outnumber Jews in the district.

A new plan for "Judaization" of the Galilee was therefore set forth in 1973 to guide the establishment of settlements there. Land confiscations were stepped up on the assumption that even if there were insufficient Jews to populate the zone, control over the inevitable future majority could be better exercised if the Arab population were compressed into smaller and smaller "pockets", interspersed by surveillance fort-towns, and if the livelihoods of Arab residents could be made increasingly dependent upon Jewish enterprises.

Both systems had been tried before. As Zureik notes, by the mid-1960s, many of the Jewish "settlers" who had been assigned confiscated agricultural lands in the Galilee:

"Were gravitating to urban centres seeking more profitable employment ... (These) settlers were leasing land to Arabs. The arrangement was that Palestinian peasants would cultivate the land (which originally might have belonged to them, but was later confiscated by the authorities) in return for a payment of a portion of the crop's yield ... The situation as a whole obliged the authorities to pass in 1967 the Agricultural Settlement Act to avert the danger of Palestinian Arab repossession of their land." (Zureik, 1979:116).

The situation was summed up by Israeli critic Uri Avnery in his discussion of Jewish effendis and Arab cultivators: "Land was confiscated from the Arabs and handed over through favouritism to Jews who then leased it back to the Arabs who have thus become its cultivators" (as cited in Zureik, 118). Despite laws to the contrary, the system continued, reducing Arab farmers to share-croppers. But not all of the Galilee's labour force could be thus accommodated. Instead many, once they had been deprived of land and water rights, had to enter the urban labour force, working in Jewish factories as domestics and other servants, and in construction. By the 1970s, less than one in five Arabs in Israel was engaged in farming, in contrast to close to 60 per cent in 1948.

But by the mid-1970s, it was clear that mere economic dependence was insufficient to assure docility in Israel's increasingly vocal Palestinian Arab minority. The growing population of the Galilee would have to be really removed from the land and their geographic concentrations "broken up" and contained.

In October of 1975, a publication by the Israeli Ministry of Agriculture spelled out the "dilemma" and signaled the creation of yet another plan to deal with Galilee.

"(The) special problem of the Galilee is that the Jewish population is outnumbered by the non-Jewish (sic) population ... It is necessary to change the existing situation regarding the demographic ratio ... by means of a long-term development plan ... Since the fundamental task of ... making the Galilee into a region with a Jewish majority cannot apparently be implemented in the immediate future, the plan was devised to comprise of an early part extending to 1980 and a later stage from 1980 to 1990." (As quoted in the English translation in "The Land Question in Israel", MERIP Report 47:4).

Later events revealed the nature of this new plan. First, extensive additional areas of land were to be confiscated "in and between" existing Arab settlements even if sufficient Jewish "settlers" could not be found to take over cultivation. Such a process would force Arabs to "deconcentrate". And secondly, Jewish "settlements", even if they consisted of only single "look-out" towers that permitted a few armed Israelis to prevent Arabs from entering or farming the confiscated and enclosed land, were to be implanted in the midst of Arab areas, thus fragmenting geographic contiguity and hopefully therefore preventing political organization.

In February 1976, the Israeli Cabinet decided to confiscate thousands of areas of Arab-owned land in Galilee (as well as in the Negev). It was this new resolve to break the back of the Arabs of Galilee that led directly to the Palestinian protest march on 30 March 1976, referred to as "Land Day". Since that time, despite growing bitterness and mounting protests, confiscations have continued and "look-outs" (called "settlements" have been systematically sprinkled between Arab villages. The rise to power of the Likud marked an intensification of this process. As Ariel Sharon, then Minister of Agriculture under the Begin Government, said in June 1979, "We are going to spray Galilee with Jews (in an exchange with a correspondent from Ma'ariv, reported by Shoukri Abed, whose interview appears in MERIP Report 83, 1979:24). 12/

The parallels between Galilee and the West Bank are of more than passing significance. Too often, the "Jewish settlements in the Occupied Areas" are treated as something new and different rather than as mere extensions (with even fewer inhibitions) into new areas of the methods and techniques that have been utilized within Arab sections of Israel from the establishment of the State in 1948 up to the present. Nor is the "transfer" simply one way. While originally it was methods honed in Galilee that were applied to the occupied areas, it now appears that some of the methods being refined in the West Bank are being reimported for use inside Israel. Present actions in Galilee are guided by the theory made explicit in the Drobles Plan for the West Bank.

Figure 2 shows the spatial organization of this plan which, since 1978, has guided the implantation of Jewish "settlements" throughout the West Bank. It is in striking contrast to the more restrained Allon Plan of 1967 (reproduced as figure 3), although it is clearly related to the sites settled by the Gush Emunim between 1975 and June 1979 (as shown in figure 4). By 1978 so few Jewish settlers had been relocated to the West Bank outside the Jordan Valley and the annexed portion of East Jerusalem and environs, that one could easily have been misled into dismissing the plan as sheer megalomania - "demographic lunacy", as Harris calls it (see his graphic presentation of the situation as of 1978, reproduced as figure 5). Given the persistent shortage of settlers and the astronomical expenditures required to install each addition person - estimated at \$20,000 per settler in the Drobles Plan of 1978 and undoubtedly higher now with inflation - it might seem hard to take the plan seriously. And yet, within the past four years, the number of Jews living on the West Bank (outside annexed Jerusalem) has apparently increased from about 3,200 to 20,000 or 25,000 and the number of "settlements" has risen exponentially from perhaps 24, most of them in the Jordan Valley "security belt", to 85, most of them in the populated hill areas. 13/

While current claims are undoubtedly exaggerated for political purposes, 14/ only wilful self-deception could conceal the fact that, especially within the past two years, the entire Government apparatus of Israel and virtually unlimited funds have been thrown behind a crash programme on the West Bank.

While this programme obviously cannot overcome the basic fact of an Arab majority, it can go a long way, as in the Galilee, to fragment, control and eventually drive out the Palestinian residents.

Certainly, the timing of the crash programme bears out Harris' contention that June 1979 marked the "ending of timidity" in Israeli settlement policy on the West Bank (p. 115), or rather the full disclosure of Sharon's hand. As Harris quite perceptively concludes (ibid.):

"The new settlement framework had major implications for Samaria's Palestinian population. In the long term, the Arab community would be cut into isolated blocks, separated from one another by the Sharon lines (major highways connecting the settlements), from Judea by a Jewish outer ring around Jerusalem and from the outside by the pre-existing Jordan Rift. On a West Bank segmented in this fashion it would be

difficult to imagine any genuine self-government beyond the municipal level as a practical possibility."

One must see the new policy as chiefly directed against any possible "autonomy". John Ruedy, in his discussion of Zionist land strategies even before the State was established, point out that one of the perennial objects of land acquisition has been "for political purposes in order to confront the great Powers and international organizations with established Jewish presence in areas susceptible to loss in possible negotiations" (1971:129).

Therefore, this policy also gave high priority to the land ownership question. Because the areas to be "settled" were located in the midst of existing Arab villages and their surrounding farm lands, Jewish settlements could not be implanted without seizing Arab land. Thus, along with the physical plan for settlements went a legal plan whose goal was to maximize the amount of land that could be defined as "State land" and be sequestered. This, too, was extremely relevant to the issue of autonomy. The Drobls Plan (para. 4) boasted that "new settlements will be established only on State-owned land, and not on private Arab-owned land which is duly registered". 15/ The emphasis on State land was more than a legal nicety. The true function of the heightened campaign to convert as much privately-owned land on the West Bank to State ownership was revealed by Ariel Sharon himself in an interview published in The New York Times on 19 February 1981. In it, Sharon baldly stated:

"Israel has proposed that land (in the West Bank and Gaza) be placed in three categories: privately-owned, which would be under the local Palestinian authority; publicly-owned, without a usage designation, to be administered jointly by Israel and the Palestinians; and state-owned for military or settlement purposes, whose disposition would be exclusively in Israeli hands."

Figure 2. Drobls Plan for 1979-1983 (dated 1978)

Figure 3. July 1967 - Allon Plan (Harris, 1980:39)

Figure 4. Gush Emunim Settlement Foundations
on the West Bank 1975-1979
(from Harris, 1980:150)

Figure 5. Arab and Jewish populations on the West Bank, 1978.
N.B. Jewish settlement sizes slightly exaggerated
for visual purposes (Harris, 1980: 144)

From this it is clear that even if "autonomy" were to be granted to the Palestinians, they would be allowed to exercise highly circumscribed power only in the limited plots which Israeli administrators had determined really belonged to them! Land belonging to the "State" was to be Israeli ruled and since the Israeli Government had authorized Jews to purchase property in the occupied territories from September 1979 on, land purchased by Jews was also to be Israeli ruled. Here indeed was a peculiar plan.

After the 1973 war, something termed a "functional division" of authority over the West Bank was set forth suggesting that "Israel would retain the geography of the 'administered territories', even if it gave back to Jordan the 'administrative role' over Arab communities" (Tamari, 1980:86). Now there was to be further "functional division", with the geography being retained, and the putative "administrative role" given back to the Palestinians - but only where they could prove they owned the land on which they lived by showing titles that the Israelis accepted as valid.

Once we understand how crucial land ownership redefinition has become and how settlements are to be used to justify Israeli rule, it alters our view of the Israeli settlements. The success and failure of the present programmes of settlement are not to be judged in terms of their demographic representation. It is quite true that, if all Jews in Israel were scattered proportionately throughout the territory of Mandate Palestine, they would now constitute only a bare majority of 60 per cent of the total resident population; and that, given the higher rates of natural increase among Arabs, this would soon yield an Arab majority (the old Zionist "nightmare scenario"). But this is not the issue. The intent behind implanting Jewish settlements on the West Bank (outside Jerusalem) is not to outnumber the Palestinians. It is to take the land, while crowding, isolating and eventually forcing out its people whom it never sought to add to the State. The mechanisms for doing this have been both legal and economic.

The "legal mechanisms" are designed to place as much land under State ownership as quickly as possible for the political reasons outlined above. In an earlier section we showed how land clearly in the "State domain" was immediately transferred to Israeli State ownership on the grounds that Israel was the "successor State" to Jordan. The only problem was that such lands were located chiefly in uncultivated parts of the Jordan Valley, which meant that they were concentrated on relatively undesirable terrain and, given the decision to "tackle" the populated sections of the West Bank, were in the wrong places. The new problem was how to "create" more State land and in the right location. It is here that the amendments to Jordanian law, alluded to earlier, have become indispensable.

One of the earliest to be "amended" was Jordanian Law No. 2 of 1953 dealing with "expropriation of land for public purposes". Like similar legislation in many countries, this law permitted an official authority or corporate body requiring land for a public purpose (for example, a school, a public housing project, a reservoir, etc.) to expropriate the site, after first publishing its request to the Council of Ministers in the Official Gazette. Finally, after all approvals had been obtained, the official body had to provide the Land Registrar with a complete list of all persons with ownership rights and compensations had to be agreed upon. Appeal to the courts was possible if an owner disagreed with the compensation offered.

This law was amended by military orders that (a) transferred all powers and privileges for expropriation formerly vested in the Jordanian Government to a military authority appointed by the area commander; (b) exempted all expropriations undertaken by that military authority from requirements to publish intent, gain approval or submit pertinent documents to the Land Registrar; and (c) transferred all rights of appeal by owners, either over the confiscation itself or the amount of compensation to be paid from the governing court to an "objections committee" (created by Military Order No. 172) which was composed exclusively of Israeli military officers. Later, another amendment to that "law" was added, giving the area commander the "right" to use force to evacuate an owner who refused to leave and to impose a summary punishment of five years in prison and/or an unspecified fine. (This section has been abstracted from Shehadeh and Kuttub, 1980: 101-108, 31). If one adds to this law the fact that by another military order the "taking of land for Jewish settlements" had been defined as a "public purpose", one can see that in theory at least, no privately owned Palestinian land is protected from the expropriation powers of the military area commander. However, appeals were made by Arab communities to the Israeli Supreme Court which, at least in the beginning, sometimes rules to override the most obvious exercises of arbitrary power by the military commander. More recently, however, these appeals have been bypassed by a different approach to expropriation which has been available since 1979 (to be discussed below).

A second important mechanism for "creating" State land is the simple device of announcing that a specific parcel of land is already in State ownership, thereby allowing the military authorities to designate it for construction of a settlement. The representative of the military commander notifies the Mukhtar of the concerned village of this "fact" and asks him to find out whether any individual in his village claims to own the land. As Shehadeh and Kuttub (1980:108) point out:

"In this way the burden is then placed on the owners to prove their ownership and this they are obliged to do before the Objections Committee ... The Objections Committee (all military officers, it will be recalled), which has little or no knowledge of the prevailing land law and the law relating to the accepted methods of proving title to land, usually rejects this evidence and decides in favour of expropriating the land. This decision is not subject to any right of appeal."

It was a short step from this system to the variation suddenly "discovered" at the beginning of 1980 - a variation which Israeli critic Dani Rubenstein (in an article that appeared in Davar, 20 March 1981, translated by Israel Shahak) pointed out could have avoided, "had they discovered this system earlier, all the scandals in the Supreme Court in the cases of Bet El, Nabi Saleh, Alon Moreh", etc. According to this account, when the Gush Emuni 16/ were trying to establish the settlement of Alon Moreh, just outside Nablus, they discovered what "was already known", namely, that only a small percentage of the land on the West Bank had been fully surveyed and titles to clear ownership established and "duly registered".

Concerning the rest, there are various claims, estimations and registrations but no clear and precise arrangement stating which land belongs to whom since most family and clan lands have never been subdivided.

"In short: most of the West Bank lands are not arranged and divided between the various owners according to plots. Some of the lands are cultivated and some have buildings on them, so that the owners can prove ownership relatively easily. But much of the 'unorganized' (into lots) land is ... not suitable for cultivation and only a bit of it is cultivated, and not regularly. Some of it serves as pasteur land or has small islands of olive trees, etc."

Although the British Government originally tried to organize a modern cadastral survey and registration system and the Jordanian Government continued with these efforts, in fact, most rights over land are determined by earlier Islamic codes and through customary usage rather than through a Torrens-type registration system.

Taking advantage of this situation, Decree No. 59 of the military regime of the "Judea-Samaria" region was issued. It stated that land with "no ownership claims" is to be considered State land. By no ownership claim was meant any land for which a (Torrens-type) registration could not be produced, showing that the land had been surveyed, subdivided into separate plots and the plots "properly registered". Rubenstein notes that since this order has been in effect, "there is hardly any problem in seizing lands in the West Bank for settlements".

When this new system is coupled with more conventional means, it creates a "field holiday" for confiscations. The enclosing of areas of "military purposes" was, like the "Custodian of Absentee Property" ruse, among the earlier methods used to expropriate land on the West Bank. In conjunction with the regulation that "uncultivated land" reverts to State ownership, it has operated to "reclassify" land from one category to another. The military commander had only to close off land to prohibit its cultivation and then declare the land uncultivated after the crop had spoiled. In cases where abandonment could not be obtained through military enclosures, the Israelis have resorted to more coercive techniques. The recent United Nations Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories of 6 October 1980 (p. 80) concluded that "coercive methods, such as the destruction of crops and the appropriation of water resources, whether engineered by 'accident' or as punishment have resulted in the forced abandonment of land by Palestinians".

Finally, Israel has recently begun to expropriate land for roads designed to connect each and every small Jewish settlement point on the West Bank with all others, in a complex (and as yet unbuilt) web of "highways" which exists chiefly on paper as an excuse for "taking land" by exercise of normal "police power". Every Government has the right to design a circulation system needed for the public good and to construct roads after having condemned the needed right-of-way and paid compensation to the owners. That is not the question. In the recent cases that have been proliferating, it is clear that the condemnation of extremely wide rights-of-way (that often pass through or next to existing Arab villages) is designed chiefly to transfer additional land into State ownership before "autonomy" must be discussed and that the sites for this newly-created State land are selected to subdivide and gerrymander Arab communities and farms into the tiny checkerboard of Gush Emunim, according to their plan of 1976 recommended for fragmenting and policing the Palestinians who refused to leave.

We lack up-to-date figures that could tell us exactly how much land on the West Bank has already been appropriated into the Jewish-owned or State-owned category and therefore "removed" from any possible Palestinian "economy". The only source disclosed so far is a 1979 report by the Ministry of Defence which acknowledges that between June 1967 and 1979, Israel expropriated some 61,000 dunums of land on the West Bank and another 400 in the Gaza Strip for "military and security purposes". Of this land, some two thirds had already been given over to so-called civilian settlements. The same report revealed that since 1967 Israel purchased some 80,000 dunums of privately-owned land (much of it after private purchase was authorized in September 1979). "Custodian of absentee property" lands were said to account for an additional 430,000 dunums in the West Bank and about 8,000 dunums in Gaza. Land that had been registered in Jewish names before the 1948 partition was presumed to add another 30,000 dunums on the West Bank and 800 dunums in Gaza. But the same report ominously suggested that much of the land on the West Bank and in Gaza was unclearly titled. It claimed that 1,530,000 dunums (or most) of West Bank land was of "unclear title", and that another 63,000 dunums in Gaza were similarly without proper title. In fact, after the Ministry of Defence report had specified the Israeli claims over these various types of land that they classified as either state or privately-owned Jewish land (over which presumably Israel intended to exercise administrative control in any autonomy arrangement), there was hardly any land left which Israel was willing to acknowledge really belonged to the Palestinians and over which they could presumably enjoy "home rule". Out of the entire vast area of the West Bank, they conceded only 200,000 dunums as privately-owned by Palestinians; in Gaza, only 253,000 dunums (report summarized and translated into English in Israel and Palestine Monthly Review, No. 79, March 1980, Supplement for November, 1979:6).

The legal mechanisms recounted above have all been designed chiefly to lay physical claim to the occupied areas. In combination and working together with the settlements (many of them mere outpost towers with no permanent population), the fiction of State land is to be used to remove the substance of any concessions Israel might be required to "ratify on paper" to satisfy Egyptian requests for Palestinian autonomy during the interim five-year period foreseen in the Camp David accords. We have already noted Begin's declaration that the five years of so-called autonomy will be transformed into Israeli sovereignty over the entire West Bank and Gaza. Given those five years and using the "laws" of land acquisition already in place, it should be possible for Israel to complete the construction of an entire apparatus that "proves" that all the land actually belongs to Israel and should therefore be annexed to the State.

One problem still remains unresolved, however. What is to be done with the people once they are divested of their land? Short of another war, the only methods available to Israel are policy brutality and economic strangulation. Although both of these tactics have been used since the beginning of the occupation, one can now anticipate an intensification of them. Harsh methods of military rule have already been amply documented (see for example the reports of Amnesty International, the National Lawyers' Guild, the works of Israeli lawyer Felicia Langer, and most recently the report of the United Nations Special Committee, 1980) and, while important, lie somewhat outside the scope of a discussion on settlements. Far more important for our purposes are the mechanisms of economic strangulation.

The key to agricultural strangulation is water. In a region such as Palestine, rainfall is insignificant except in the winter, which means that ground and surface water must be tapped and because it too is not plentiful, husbanded carefully in order to grow anything. The ecology of land use requires wise specialization, with those zones especially blessed with water used for intensive irrigated farming and the dryer slopes used for terrace gardens and especially arboriculture. Olive trees from ancient times were located on dryer fertile soil (since they required little water) and other regions, even less fortunate, were used on a rotational basis for some extensive crops or for grazing.

Because of the need to conserve water for maximum efficiency and to assure that overusage by some would not destroy the crops of neighbours, Jordanian Law No. 31 on the Supervision of Water was promulgated in 1953.

The law required the approval of the Manager of the Department of Irrigation and Water for any irrigation scheme. As Shehadeh and Kuttab observe (1980:113), the Israeli military commander has amended this law to deprive Palestinian farmers of their water lifeline. They note that in the Jordanian arrangement,

"The Department of Irrigation and Water ... is a civil department which will grant permission unless convinced that the irrigation scheme will cause damage to any land or other scheme or road. Military Order No. 158 (in contrast) provides that installations for drawing subterranean water (well, etc.) required a 'license from the Area Commander'."

The "amendment" states specifically that "It shall not be permissible for any person to set up or to assemble or to possess or to operate a water installation unless he has obtained a license from the Area Commander (*italics added for emphasis*). According to this "amendment", therefore, even irrigation and well installations that were in place and owned by Palestinians prior to 1967 are covered by the regulations. Their owners have to submit applications to the Area Commander for new licenses and "the Commander may refuse the grant any license or amend it or make it conditional ...". (Shehadeh and Kuttab:113).

Therefore, even in the absence of competing needs from Jewish settlements, the Area Commander can "turn off the spigot" and destroy farms whenever he chooses. (Renewal of existing licenses, leases for water rights, etc., are now also required so that even current possession of a right does not assure its continuance). Whenever land has been sought for Jewish settlements, the result has been a foregone conclusion.

Deeper wells have been drilled on the Israeli settlements thus draining groundwater and drying out existing Arab wells nearby; permission to sink new wells has been denied to Arabs so affected. The net effects of years of such water deprivation have been documented by Paul Quiring of the Mennonite Central Committee in a study (1977) which reaches conclusions that go far beyond the technical to capture the true impact of the economic strangulation being created by Jewish settlements:

"For farmers ..., the impact of settlement construction is very real and can easily be measured in terms of money and lost assets. Apart from the political implications of Israel's settlement policy, the settlements produce a ready visible impact on the West Bank indigenous economy. Although the losses vary, with some suffering more than others, the cumulative effect is to dispossess a people from that which they value most highly: their land. People continue to live in their homes, with some perhaps even prospering in their new employment but the economic climate changes and it is no longer possible for the labour force to find work as labourers, they will have nothing to return to in their villages. Like thousands of others from the West Bank, they will be forced to leave their country in search of employment outside. The villagers recognize and resent this process, feeling that those who remain are becoming like museum pieces - quaint and intact, but supported by those outside and with little control over their future."

This indeed is close to the bottom line of the strategy of Israeli settlements in the occupied areas.

Thus far, emigration for employment outside has been forced upon many of the younger and best educated Palestinians living under Israeli occupation. Almost every family remaining in the West Bank and many in Gaza have at least one member "abroad", in the Gulf or elsewhere, upon whom they have become increasingly dependent for support. The remittances from abroad indeed are an important subsidy to the economy of the West Bank/Gaza, and therefore indirectly to Israel itself.

But the processes of slow strangulation and emigration, either for employment or through expulsions, are unlikely to alter demographic facts in Palestine quickly enough to satisfy Israeli ambitions. Harris, in his otherwise dispassionate and even occasionally sympathetic account of Israeli settlements, comes to a most disturbing conclusion, almost as an afterthought. Evaluating the prospects for Jewish settlements in the West Bank and Gaza, he concludes that Israel lacks "the demographic capacity to support a credible long-term colonization programme" and that finances will prove an ultimate stumbling block. In his words, "a more pointed threat to the whole colonization stems from increasing chaos in the grossly overheated Israeli economy which, quite simply, may not be able to sustain extended settlement construction ..." (1980:165). 17 He then goes on to say that he senses that what the Israelis are therefore really counting on is that,

"The unfavourable trend in the internal demographic balance will be offset by accelerated out-migration from the West Bank, perhaps accentuated by another round of hostilities." (Harris, 1980:170).

In such a round hostilities, made more rather than less likely by recent cease-fires, the Palestinians in the West Bank are likely to bear the brunt since, under cover of such hostilities, an attempt will undoubtedly be made to drive them finally from their homes. In this scenario, the true meaning of the 127 Jewish settlements now in place or under construction in the occupied areas will become tragically clear. They will constitute the armed forts, placed in and around areas of Palestinian concentration that will be used to help subdue resistance and herd more Palestinian refugees to the next cease-fire line in Israel's expansionary search for Eretz Israel. But this time they will have overstepped their capacity.

Notes

1/ "The recently established Beit Haarava is one of six settlements planned by the Likud Government in the Jericho area with the explicit purpose of 'blocking' the area and preventing an Alignment government ... According to the Allon Plan, a 13 km-wide strip called the Jericho Corridor would be free of Israeli settlements. Until 1977, when the Alignment lost power, (they) ... were careful not to settle the Corridor. The creation of such a corridor was intended, firstly, to serve as a trump card in future negotiations with Jordan and, secondly, to leave Jordan a direct passage to West Bank areas due to be returned to Jordan. Of the six settlements projected for the Jericho Corridor, three have already been established." (See Israel and Palestine Monthly Review, No. 83, Supplement, October 1980, p. 3.)

2/ "By 1953 a 'Development Authority', (specifically set up for the purpose) had purchased ... 2,373,677 dunums (of land) from the Custodian" which it in turn sold to the Jewish National Fund. The latter, in turn, "leased" the property "to groups and individuals who in most cases had already been there for years. By this legal fiction the state avoided ... the censure that might have accrued on direction confiscation" (Ruedy, 1971:138).

3/ Property "leased from" the Custodian of Absentee Property is exempted, by Military Order 293, from the protective provisions of the Jordanian rent control law, thus denying protection to Palestinians "renting" from the Custodian who may "as is often the case, merely hold the share of the property belonging to ... a sister or brother of the owner (occupants) of other shares in the household, who happened to be outside the West Bank at the time when the 1967 war took place". (Quoted from Shahadeh and Kuttab, 1980:111.)

4/ Islamic Law, adapted to societies living in areas bordered by deserts, had always made provisions for the ownership of fringe areas which, through the application of human labour, were brought into cultivation. Customary law conferred use rights on the land to those working it.

5/ It is amazing to read the carefully researched and dispassionate study of Harris, 1980, and realize that, although his 200-page book is subtitled "Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980", he devotes almost no direct attention to, nor does he have a separate chapter on the "settlement" of the Jerusalem region.

6/ According to an article published in Zu Haderekh, 20 and 27 August (translated and reproduced in Israel and Palestine Monthly Review, December 1980, Supplement 11-12), by the end of 1980, about 130,000 dunums of land had been expropriated in the Jerusalem-Ramallah-Bireh corridor, and close to 80,000 Jewish settlers were living in over 20 "settlements" that contained some 27,000 dwelling units. However, I doubt that this total includes Jews living in the "old" city of Jerusalem itself. More ominously, the article reports that an additional 45,000 dwelling units were already planned for construction in the same area, giving evidence of the scale intended for the immediate future.

7/ This information is taken from an article by Yehiel Limor which appeared in the 6 August 1976 issue of Ma'ariv, as translated by Israel Shahak and reprinted in MERIP Reports, August, 1977:20-21.

8/ The full plan, as it is now being revealed, dates from 1979 although nuclei had already appeared. We thus have October 1979 records of Israeli cabinet decisions to allocate more land to these settlements, including 2,000 dunums to Efrat and more to Ma'ale Adumim (see Israel and Palestine Monthly Review, No. 79, March 1980 with a Supplement for October 1979, p. 3); newspaper accounts of the inauguration of the first "urban neighbourhood" at Efrat, for which 6,000 dwelling units had already been built at an investment of 26 million Israeli pounds (see Israel and Palestine Monthly Review, No. 82, September 1980, Supplement for August 1980, p. 11); an account of the Joint Ministerial and Jewish Agency Settlement Committee meeting of 9 December 1980, approving the establishment of the city at Givon (Israel and Palestine Monthly Review, No. 83, December, 1980, Supplement for December 1980, p. 20). All of these were in line with the plan Ariel Sharon presented to the Cabinet at the end of 1979 which called for 15 new settlements on the West Bank during 1980 alone, as well as the establishment of the large "settlement belt" around Jerusalem, so as to "ensure the Jewish character of the capital, in the face of dense Arab construction in that area". (Cited and quoted in a newspaper account translated into English and published in Israel and Palestine Monthly Review, No. 79, March 1980, Supplement for November 1979, p. 6).

9/ According to my best estimates (Abu-Lughod, 1980), some 300,000 Palestinians crossed the Jordan River during and immediately after the 1967 war, of whom more than half were drawn from the hill regions of the West Bank.

10/ Vacancy rates ran 50 per cent and "settlers" had to be offered reduced rents, interest-free loans and, finally, had to be allowed to occupy the new units only a few days a week or a few months a year while still retaining their rights to their "real" homes elsewhere. These problems have persisted since, as we shall see, Israel lacks the population needed to "settle" the enormous territory she has swallowed.

11/ See Statistical Abstract of Israel, 1980:34-35, tables II/3, 4 for population information. See also Zureik, 1979:108-111. The sparsely populated Negev was the other district which in 1948 had an Arab majority, but this population, being chiefly nomadic, was more easily dislodged and "relocated".

12/ Abed, a Christian Palestinian from the village of Mi'ilya, which was being decimated by land confiscation at the time, noted ironically that the phrase "to spray" implied that there was some sort of pestilence in Galilee and acknowledged that "we are that pestilence".

13/ The figures in the text come from Sharon's New York Times interview of 19 February 1981. As recently as early 1976, according to Yekiel Admoni, then Director-General of the Zionist Organization's Settlement Division, there were only 17 settlements in the Jordan Valley of which 13 were permanent, plus another 3 urban settlements (Etzion Block) and 2 "footholds" in "Judea-Samaria", i.e., the West Bank hill region (see MERIP Report 59, 1977, but especially p. 19). According to this same report by Admoni, some 2.6 billion Israeli Pounds (approximately \$US 350 million) had been spent on all settlements "in the territories" (including Gaza) between 1967 and 1976. This was less than the amount earmarked for settlement expenditure in fiscal year 1980 alone (Israeli and Palestine Monthly Review, No. 79, Supplement for December 1979:11). By the end of 1979, however, there were at least 7,800 Jewish settlers in the West Bank, of whom about half were in the Jordan Valley, the other half in the "Judea-Samaria" hill region. After that, the number of settlers spurted to 10,000 in 44 settlements by December 1979 to over 17,000 in 68 settlements in November 1980, to 20,000 by February 1981 and, by June 1981, the goal of 25,000 settlers in 85 settlements on the West Bank had been reached according to available Israeli census and newspaper reports.

14/ There is no way to verify the exact number of settlements because they are, for the most part, tiny and "grouped" into so-called "blocks", divided or collapsed as suits the discussion. Furthermore, Jerusalem hinterlands are sometimes included, sometimes forgotten. Nor is there any way to verify the exact number of settlers because recently, the Government of Israel has begun to present its targets and totals in terms of "x number of families" without specifying average family size. When government officials report the number of settlers, they tend to multiply the number of families by a high figure of 4-5; and yet, observers report seeing only young single males in many of the settlements. The Israeli census now enumerates Jewish settlers in the occupied territories separately. These totals fall far short of official pronouncements, in part because some of the so-called settlers have more permanent abodes within Israel and are presumably enumerated at their regular place of residence.

15/ October 1978 English translation, mimeo., of the Master Plan for the Development of Settlement in Judea and Samaria. It is significant that, in the original version, underlining emphasizes the first phrase, namely, that settlements will be restricted to State land. I have added the second set of italics to call the readers' attention to the fact that private land was to be defined in extremely stringent terms as being registered in a manner satisfactory to the military commander.

16/ The Gush Emunim was founded in early 1974 by young "whole land of Israel" zealots of the National Religious Party who have been used as "shock troops" for opening new Palestinian areas for Jewish settlements. Their tactic is to "squat" until their right to settle is given official sanction. Flushed with their early success in Hebron (which resulted in the Qiryat Arba settlement), they soon moved into the heart of "Samaria", gaining parliamentary "approval" for numerous settlements in 1977-1978. Finally, in March 1979 Gush activists scored their most sensational coup by gaining official recognition of their settlement of Alon Moreh, just outside Nablus. As Harris notes, with this "the last vestige of geographic constraint was overthrown" (Harris, 1980:135-137, 149). The October 1979 Supplement to Israel and Palestine Monthly Review, No. 79, March 1980, contains a translation from the Hebrew press reporting that the Gush Emunim "set up 31 encampments during the night of 14 October in various parts of the West Bank. They (the Gush) described them as 'not being settlements but as measures aimed at foiling the establishment of a Palestinian State'" (p. 3).

17/ It would be hard to conceive of any economy capable of sustaining the grandiose plans set forth. On 15 November 1979, Begin's Ministerial Committee for Settlement Affairs accepted the Ministry of Defence Plan for settlements with an estimated price tag of 100 billion Israeli pounds (see Israel and Palestine Monthly Review, No. 79, March 1980, Supplement for November 1979:7).

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Israeli violations of the human rights of the Palestinian people living in the occupied territories have been persistent, varied and indiscriminate. There is no evidence to indicate that they are temporary or sporadic aberrations likely to diminish or cease. On the contrary, there is sufficient ground to believe that Israel's disregard for Palestinian human rights is a necessary outcome of its outlook and a strategic commitment in its perceived relationship to the Palestinian people. This paper will seek to demonstrate this fact, to analyse its causes, and to propose international measures to enhance the effectiveness of attempts to safeguard the human rights of the Palestinian people.

I. Israeli violations

It has been said that "the issue of Palestinian rights cannot be properly addressed by cataloguing an endless series of violations: a deeper understanding of the nature of the state of Israel is necessary." 1/ It is true that in order to be able to deal effectively with such violations, we need to understand the aims and motivations of their perpetrators. In the following section of this paper, we will seek to undertake that analysis. In this section our primary concern will be the identification of acts systematically practised by the Israeli occupation authorities and the Israeli Government, which constitute violations of internationally recognized human rights as defined by the main international conventions pertaining to the subject. 2/

There are very few provisions in the various international covenants on human rights which Israel has not violated repeatedly in its treatment of the population of the occupied territories. The following account is not a catalogue but an illustration of the scope and range of these violations.

1. Willful murder of civilians: Unarmed Palestinian residents of the occupied territories have been killed by elements of the Israeli armed forces in situations where no military necessity existed, and where there were no political demonstrations or gatherings or any activities which might be even remotely construed as disturbance to public order. In one case, two unarmed Palestinian youths, Hussein Ali of Shu'fat and Musa Khalil Tulsha of Ramallah "were shot dead in cold blood by an Israeli sergeant and their bodies sprayed with petrol and partially burnt simply because they had nearly collided with the sergeant's car while driving on a secondary road in the Latroun Area". 3/ Many other Palestinians, especially students, have been killed and wounded while participating in unarmed peaceful demonstrations throughout the period of Israeli occupation.

2. Torture of detainees and inhuman treatment of prisoners: Various international inquiries confirm that Israeli torture is widespread, systematic and appears to be sanctioned as deliberate state policy, as The Sunday Times of London concluded in its June 1977 report on the use of torture in Israeli prisons. Amnesty International, the National Lawyers' Guild (United States), the Israeli League for Human and Civil Rights, and the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories all presented evidence to this effect. 4/

An early study of the inhuman treatment of Palestinian prisoners in Israeli prisons and detention camps, based on the personal testimony of 62 former inmates, listed the types of physical torture used by Israeli interrogators and jailers as follows: 5/

- Burning various parts of the body with lighted cigarettes and red-hot irons;
- Injection of solutions containing chemicals of nerve irritants;
- Extraction of teeth without anaesthetics;
- Pulling out of finger- and toe-nails;
- Suspension from the ceiling by the wrist;
- Submerging in a pool of water through which an electric current is passed;
- Electric shocks to sensitive parts of the body such as the genitals and the rectum;
- Flogging and whipping;
- Submerging in dirty water for periods up to four days;
- Confinement in a cell blindfolded, with dogs to terrorize the prisoner;
- Beating with iron pipes;
- Insertion of a lighted candle in the nose;
- Pouring urine over the head and the body;
- Application of nitric acid to lips and other sensitive organs;
- Forcing the prisoner to walk on fire with bare feet;
- Burial alive in the sand up to the neck.

The testimony of the former inmates confirms that prisoners are also subjected to a variety of psychological torture including "simulated homosexual assault", threats of arrest and molestation of female members of the family, sexual taunting by Israeli women soldiers, firing between the feet of blindfolded detainees, and showing prisoners open graves and telling them that they are for them, etc. 6/

3. Deportation and expulsion: In addition to mass evictions which took place during and immediately after the war of 1967, as the expulsion of the inhabitants of Aqbat Jaber refugee camp near Jericho, Israel continued to expel individuals and small groups throughout the period of the occupation. 7/ There are no indications that this practice will come to an end as the Israeli authorities insist on the right to deport inhabitants from the occupied territories, clear and specific prohibitions of such acts notwithstanding. Injunctions by the United Nations against the expulsion of particular individuals have been ignored by Israel as happened in the case of the mayors of Hebron and Halhoul and Hebron's religious judge in 1980.

In addition to expulsion to areas outside the occupied territories, Israel has practiced forceful eviction and evacuation of groups of residents from one region to another. Refugees from the Gaza Strip have been forced to leave their camps to various parts of the West Bank and Sinai.

4. Political imprisonment and administrative detention: The United Nations Special Committee to Investigate Israeli Practice Affecting the Human Rights of the Population of the Occupied Territories reported that in 1978, for example, there were 1,192 arrests and stated that "this is a minimum figure since it is based on the Israeli press which is subject to censorship". It added that the figure is clearly an underestimate also because it does not include the arrest of groups whose size is not exactly known as when the arrest of "several" or a "large group" is reported. The Committee found more than 20 reports of such group arrests. 8/

Often, the individuals arrested are not charged with any offences and are detained for long periods without trial. The most infamous case was the arrest and administrative detention of Mr. Tayseer Aruri, Physics instructor at Bir Zeit University, for 45 months without charges or trial. No Palestinian living under occupation is safe from such harassment since it is carried out by orders of the military governor of a district who does not have to show cause for the initial arrest or the renewal of the detention.

Community leaders are frequently placed under "town arrest" where they are forbidden to leave the towns in which they reside, an act which, in addition to violating their right to travel, restricts their ability to serve the communities or even to earn a living for their families. When I left the West Bank in June of this year, a large number of West Bank and Gaza personalities were under this type of confinement including Karim Khalaf (mayor of Ramallah), Ibrahim Suleiman (mayor of Bireh), Samiha Khalil (president of In'ash Al-Usra Women's Society in Bireh), Ma'mun Sayyed (editor of Al-Fajr newspaper), Akram Haniyyeh (editor of Al-Sha'b newspaper), and Ibrahim Dakkak (president of the West Bank Engineers Union). Again, such punishment is carried out by order of the military governor without charge or trial and it can be extended indefinitely.

5. Confiscation of land and water resources: The story of the State of Israel is, in its simplest form, the story of unceasing armed robbery of Palestinian land. Even after the proclamation of the State in 1948, Israel continued and still continues to rob Palestinians who hold its citizenship in the Galilee and the Negev of their land.

In the territories occupied in 1967, the seizure of public and private land for the exclusive use of Israeli Jews, military and civilian, is practically a daily affair. It is a well-known fact that about one third of the total area of the West Bank has already been confiscated. Much of this land is being used for the purpose of settling civilian Jewish population in the occupied territories. 9/

In addition to depriving the Palestinians living under occupation of much of their land, the occupation authorities are making it more difficult for them to survive on the remaining land by prohibiting the exploitation and development of underground water resources in order to ensure its availability to Israeli users in the coastal region and in the new settlements. They also ration the use of water for irrigation purposes in the two main agricultural regions in the occupied territories: the Jordan River Valley and the Gaza Strip. It has diverted existing water supplies, wells and springs previously available to Arab towns and villages, to Israeli settlements. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People reported in 1980 that:

"As a result of Israeli drilling ... Palestinian wells and springs are being depleted and West Bank water is being drained off for the Israeli settlements ..." 10/

The Committee further stated that the inhabitants of the village of Awja just north of Jericho "protested to the Israeli authorities that their agricultural economy is being ruined because the Israeli wells and water network supplying the nearby Jewish settlements have drastically depleted the village's water resources". The village "lost over 1,300 dunums of land planted with bananas and 150 dunums planted with citrus fruit". 11/ Other villages in the Jordan Valley suffer from similar conditions. The Committee estimated that 15 per cent of the water resources of the West Bank have been diverted for the benefit of Jewish settlers amounting to 1 per cent of the population.

It is difficult for the statistics to convey the reality on the ground. I have visited Awja village and other Arab communities in the Jordan Valley and saw the shocking consequences of such "secondary genocide". An Israeli settlement sank a pump a few feet from the source of the spring on which Awja subsisted as a farming community thus causing the spring to dry up and the citrus groves to die. In place of orange trees, dead sticks dot the landscape. Vegetable gardens were parched under the hot sun of the Valley and the villagers did not even have adequate water for domestic use. Life itself was becoming impossible in the village.

6. The demolition of houses: Immediately after the cease-fire in 1967, the Israeli

occupation authorities razed whole Palestinian villages. The most notorious examples are the three neighbouring villages of Immuas, Yalu and Beit Nuba in the Latroun Salient, on whose locations the Israelis constructed "Canada Park" in an attempt to erase all evidence of the villages' previous existence.

The practice of demolishing and boarding up homes never ceased. It is a frequent punishment for suspected acts of resistance to the occupation. The homes of persons so suspected are usually dynamited upon arrest and before the trial takes place. Extensive damage is often caused to surrounding structures. Frequently, demolished houses are not owned but only rented by the suspect or a member of his/her family. A family whose home is demolished is not permitted to rebuild it.

7. Collective punishment: Total and partial curfews are a frequent punishment of the entire population of cities, villages, and refugee camps. A whole town or district is often punished by forbidding it to export its produce to Jordan or to travel across the Jordan River bridges, or to receive visitors. Populations of whole towns and villages are made to assemble in fields or town squares and to stand or squat for hours in the rain or the sun. Frequently, military checkpoints are placed on the roads to Jerusalem and people are denied access to Muslim holy places for the Friday prayers.

Such collective penalties are usually inflicted for minor individual acts such as the throwing of a stone by a child at a passing vehicle. Frequently, such punishment as curfews are accompanied by the other forms of harassment like house searches and mass arrests. In 1976, I lived through two curfews on the city of Ramallah during which Israeli patrols roamed the streets and fired live bullets through residential areas day and night to terrorize children and make it difficult for people to sleep. A local physician informed me that, after the curfew was lifted, he visited areas of army encampments in the city and found many signs of drug use by Israeli soldiers.

8. Cultural strangulation: The Israeli occupation authorities have been particularly severe on educational and cultural institutions and activities. In six years of work at Bir Zeit University and the Council for Higher Education, I have witnessed an unending series of harassment including the almost daily arrest and interrogation of students, employees and faculty members; denial of permission to import Arabic scientific and scholarly publications for university libraries; denial of permission to faculty members to travel abroad to participate in scientific conferences; censorship of publications; closures of schools and universities; curfews and closing roads leading to campuses; armed intrusions into colleges and universities resulting in injuries to persons and damage to property.

The Council for Higher Education has been forbidden by the military governor from convening its general assembly and two members of its executive committee cannot participate in its work because they are under "town arrest". The word "Palestine" was expunged from all textbooks used in the schools and methodically replaced by "Israel". A long list of books, mostly classics of Arabic literature, have been blacklisted and libraries are forbidden to possess them.

Palestinian Arab historic sites have been bulldozed or pillaged. Even Palestinian folklore, traditional costumes and foods are being robbed and marketed abroad as Israeli creations. The Arabic names of towns, hills, and streets are being erased and changed to Hebrew names. UNESCO stated a fact when it concluded that "the Israeli authorities [are] adopting policies in Gaza and the West Bank designed to paralyze Palestinian culture". 12/

The preceding sketch of Israeli violations of Palestinian human rights in the occupied territories is not, nor is it intended to be, a comprehensive inventory of such violations. That would be far beyond the scope of this paper. The study, cited earlier, of Israeli violations of human rights in the early years of the occupation listed a total of 304 contraventions of the provisions of the Hague Convention, the London Charter and the Geneva Convention in the case of 62 Arab prisoners alone. 13/ There is no question that a serious and systematic breach of international laws and conventions has been and is being continually committed by Israel against the Palestinian people. In their variety, severity and persistent Israeli violations of Palestinian human rights amount to a reign of terror against a captive community.

Israeli practices against the Palestinian people have caused a sense of revulsion even in Israelis and other Jews, some of whom were leading participants in the creation of the Jewish State. Moshe Sharett, one time Foreign Minister and Prime Minister of Israel, recalling a particular act of Israeli terrorism, wrote in his diaries:

"All this must bring about revulsion in the sense of justice and honesty in public opinion; it must make the State appear in the eyes of the world as a savage state that does not recognize the principles of justice as they have been established and accepted by contemporary society." 14/

Another writer asked: "Can it be that our [Jewish] rightness stemmed from our weakness, and that having gained strength, we have discarded justice as useless?" 15/ An Israeli writer expressed similar sentiments: "When I read Simon de Beauvoir's remark that during the Algerian struggle for independence, she felt a stranger in her native country, France, and was ashamed of French colonial policy, I felt compassion. I never imagined that I might one day experience the same emotion and so strongly disapprove of Israel's Arab policy, that I would feel estranged and at the same time ashamed that this would happen, and is happening in the land of my choice". 16/

On the international level, the fact that the United Nations Commission on Human Rights found it necessary to pass a resolution which, in describing Israeli violations of human rights, went as far as to categorize them as "war crimes and an affront to humanity" 17/ is testimony to the degeneration of Israeli behaviour. The fact that the General Assembly found it necessary to adopt by large majorities no less than

13 resolutions in three years (1977-1979) condemning Israeli violations of human rights in the occupied territories testifies to Israel's persistent disregard for world opinion.

II. Israeli motivation

What is it that impels the State of Israel to be a "savage state"? What is it that drives Israel to behave in a manner which causes an increasing number of Israelis to "feel estranged and at the same time ashamed" in the land of their choice? Why does Israel behave in a manner that is "an affront to humanity"?

To comprehend Israel's compulsion to terrorism against the Palestinian people (in 1948 and 1967, inside and outside the occupied territories), we must understand its aims and motivations. As it was stated earlier, the issue of Palestinian rights requires an understanding of the nature of the State of Israel. And the "state of Israel is a settler colony created by some European Jews whose dream it was to found an exclusive Jewish colony in Palestine". 18/ As the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories stated:

"Israel's policy in the occupied territories is based on the so-called 'homeland' doctrine which envisages a mono-religious (Jewish) State established on territory that includes those territories occupied by Israel in June 1967." 19/

Since the Palestinian Arab population "do not form part of the religious group in whose name the Government of Israel claims the right to establish itself, these inhabitants have no rights vis-à-vis the governing authorities". 19/ This is the crux of the matter.

The presence of a large number of "natives" in the coveted land and their strong attachment to it 20/ were the greatest frustrations of the Zionist ambition. War in 1947-1949 gave the Zionists their first grand opportunity to use violence to expropriate the land and expel the population.

The 1967 conquest of the remainder of Palestine came "booby trapped". The Palestinian population of the West Bank and the Gaza Strip (or most of them) continued to cling to their lands and homes, thus making outright annexation a dilemma for Zionist Israel, committed as it is to the racist "homeland doctrine" of a mono-religious Jewish colony. More seriously, the survival of a viable Palestinian community in Palestinian territory was perceived to be a forceful check on the Zionist dream and a big obstacle in the way of the Israeli ambition. From the vantage of Israeli policy, therefore, the Palestinian community had to be destroyed. Hence the systematic and utter disregard for the human and other rights of the Palestinian people by the State of Israel.

Furthermore, the two post-1967 developments explain the rising and intensifying crescendo of Israeli terrorism against the Palestinian people in the occupied territories and elsewhere:

1. The rise of an organized, articulate Palestinian national movement (the Palestine Liberation Organization) to lead the Palestinian struggle for national liberation. This fact enhanced the visibility of Palestinian nationhood and gave the Palestinian people the socio-political structures which facilitated its involvement as direct and active participants in the determination of its future. It laid to rest, once and for all, the Israeli myth about the non-existence of the Palestinian people.

2. The liquidation of colonialism in Asia and Africa and the consequent rectification of the previous imbalance in the world community in favour of the oppressed peoples. This fact led to increasing international recognition of the true nature of the Middle East conflict and to increasing and more explicit support for measures seeking to redress the grave injustice suffered by the Palestinian people for so long, including the right of the Palestinians to self-determination and political independence in their ancestral homeland.

Given Israel's disregard for justice in its dealings with the Palestinian people, and given its long-standing contempt for public opinion which is not compatible with its policy, these two developments alone would not have had much impact on Israeli behaviour. But the existence of a Palestinian community inside Palestine gave a concrete material basis to the idea of Palestinian nationhood and independence. The international consensus in support of Palestinian rights and "the actual availability of a relatively viable community and a credible site for its independent existence ... the idea and the physical setting for its embodiment, rendered the possibility of Palestinian statehood eminently presentable". 21/

Israel, unable to convince the world community to sanction its racist-colonialist behaviour, and compelled by the logic of its illegitimate aspirations to be a savage State, faced increasing isolation in the world and utterly failed in its diplomatic offensive against the Palestinian people. The only course left to it, compatible with its aggressive intentions, was to demolish the material foundations of Palestinian nationhood. Through continuous air, sea and land attacks on the Palestinian community in Lebanon and the campaign of assassination of Palestinian diplomats in Europe as well as attempted assassinations of community leaders in the occupied territories, and through continuous harassment of the Palestinian community at home, Israel seeks "to discredit our dream and to break our backs in the vain hope that we will not have the will or the stamina to stand upright". 21/ That is why Israel's violations of the rights of the Palestinian people go and must go beyond the sporadic harassment of a despotic regime and be a methodic genocidal onslaught to destroy a human society.

To demonstrate the validity of this analysis, it is sufficient to use as illustration Israel's policy on land seizure and settlement and its policy on deportation.

As to the confiscation of land, it is clear that Israel's intention is to break up the geographic continuity of the West Bank and to disrupt its demographic cohesion in order to render it unsuitable as a possible site for an independent "non-Jewish" community. Israeli supporters of the settlement programme never tire of asserting publicly this political motivation by saying that the settlements are meant to scramble the egg so that no one can unscramble it in the future. The settlement plan of the World Zionist Organization (the Drobles Plan, 1979-1983) makes it clear, as the map on the following page indicates, that the intention is to create blocks of Jewish settlements "both between the minorities [i.e., Arab] population and around it" 22/ in order to isolate the Arab population of Palestine from the Arab people in neighbouring States and to fragment the West Bank and its population. If that purpose is accomplished, Israel hopes the idea of Palestinian nationhood is vitiated and the possibility of its independence is aborted. The Palestinian struggle for freedom and the international support for it would become irrelevant.

Concerning Israel's policy of deportation, it is a demonstrable fact that the main targets of that policy have been the sort of people who are typically the custodians of their country's future and the main agents of its progress and prosperity. Of the 167 deportees listed in a study which identified them by profession, 42 were educators (teachers, principals and education inspectors), 37 were students, and 26 were professional people. 23/

One of the most monstrous achievements of the Zionist State is that it has generated and supported domestic public opinion in favour of its genocidal policy towards the Palestinian people. It has done so by concealing from its own people the atrocities it commits daily against the Palestinian people inside and outside occupied Palestine by picturing them as a war on terrorism, and by maintaining that the Palestinian issue is a fabricated grievance. Even now, Israeli officials advance the unrepentant view that the Palestine question is "one of the phoniest issues in modern political history". Yehuda Blum, Israeli Ambassador to the United Nations and the author of this statement, continues: "We are being told day in and day out that the Palestinian Arabs are a nation deprived of self-determination, sovereignty and national independence, a homeless people". 24/ The consequence is that an Israeli professor from Haifa University writes an article about Israeli troubles, touches on inflation, labour unrest, emigration, corruption, international isolation, cultural cleavages, and says not one word about the occupied territories or the tragic plight of their people. 25/

Map from Mattityahu Drobles, Master Plan for the Development of Settlement in Judea and Samaria, 1979-1983.
Jerusalem, World Zionist Organization, October 1978
(mimeographed)

The State of Israel's policy not only engenders this callous unconcern about a human tragedy largely of their making but in fact it has encouraged attitudes in favour of repression. An Israeli writer said that Zionist opinion-makers used the tragedy of Jews in Europe in a way which "has created in the Israeli consciousness a peculiar moral blindness, expressed by double moral standards. Because 'the world' was always presented as out to get us, we ourselves are exempted from any moral consideration in relating to it". 26/ Professor Israel Shahak of Hebrew University in Jerusalem and the president of the Israeli League for Human and Civil Rights warned of an increasing tendency to use the Bible to justify Israeli oppression. Writing about what he called "biblically-justified genocide", he said that

"... what has particularly increased, and can become very dangerous in the future, is the use of biblical examples of mass extermination in order to 'justify' at some future time ... a very cruel war which will cause millions of losses to the peoples of the enemy, and from which they could not recover for many years." 27/

Professor Shahak says that increasing publicity is made in Israel for historic precedents of mass extermination of enemies of the Jewish people. He added:

"It has been the custom in the Gaza Strip in recent years for an 'education officer' to preach to the newly arriving units of the Israeli Army and to explain to them that the Palestinians in Gaza are 'really' like the ancient Amalekites, and apparently the custom is spreading in other places in the occupied territories, too." 28/

He says that the extermination of the Canaanites is used "in order to accustom Israeli Jewish opinion to

possible acts of terror which may - so many respectable Israeli figures say - in the future be directed against Arabs". He gives examples of proposals actually made by "respectable Israeli figures". He wrote that,

"... a strategic expert, B. Amidrov, solemnly proposed in the early seventies that Israel should bomb the Aswan Dam and drown the Egyptians, and a respected professor of political science at the Hebrew University of Jerusalem, Shlomo Aharonson, proposed dropping an Israeli hydrogen bomb near the shores of Lebanon in order to wipe out all the Palestinians there." 28/

The degree to which Israeli opinion has been conditioned to such ideas is that "both expressed these ideas in the rational and respected Israeli newspaper, Ha'aretz, and without losing any respectability, and of course the various proposals to expel 'all the Arabs' have become very common in the 1980's". 28/ It is to the dubious credit of the Zionist State that it has made acts which are an "affront to humanity" seem noble deeds to its people.

The State of Israel is waging total war against the Palestinian people. Therefore, it sees any promise of justice to them as a danger to its survival. That is why Israeli terrorism is a state policy; is not limited to a particular extremist political party or regime or leader. That is why it goes virtually unopposed by broad segments of Zionist public opinion; and that is why it is directed at the Palestinian people indiscriminately. Finally, that is why Israel cannot be persuaded to abandon its policy of totalitarian repression and must be coerced to do so.

III. Proposed measures

There was a time when both the Palestinian Arabs and the Zionists made mutually exclusive claims to Palestine. The Palestinians totally rejected the consequences of the Zionist colonial invasion of their country and could envision no future for it except as an Arab State. The Zionists adhered to their concept of mono-religious colony. The Palestinian people have in recent years demonstrated sufficient vision to foresee the possibility of Arab-Jewish peaceful coexistence. The debate within the Palestinian camps now centers around the form this existence is to take: a non-sectarian State where Arab and Jew can live as co-citizens of a democratic State, or a partitioned Palestine where an Israeli State lives alongside an independent Palestinian State.

The Zionists unfortunately have not outgrown their dangerous and anachronistic dream which requires them to wage a war of extermination against the Palestinian people. They have not yet joined the rest of humanity in discarding the ideology of a master race privileged with superior rights. We still read in Israeli newspapers that "The Arabs must know that there is a master here, the Jewish people. It rules over Eretz Israel ... The Arabs are temporary dwellers who happen to live in this country. There are commandments in the Bible concerning such temporary dwellers and we should act accordingly". 29/

The persistence of this type of mentality, translated by Israeli policy into daily aggression against the Palestinian people, not only denies legitimate Palestinian national rights and flouts world opinion but also jeopardizes the prospects of peace in the Middle East. Israel must not be allowed to continue to veto peace by waging a war of aggression against the Palestinian people. If the logic of its ambitions impel it to so behave, the international community must compel it to behave otherwise. For that reason it is essential that the world community, if it is to enhance its effectiveness in safeguarding legitimate Palestinian rights and promoting peace, should undertake the following measures:

1. To be unswerving in its commitment to the legitimate national rights of the Palestinian people, including its right to self-determination and independence, the right of refugees to repatriation, and the right to engage in all forms of struggle to attain these rights;
2. To give moral and material assistance to the Palestinian people in its struggle, including armed struggle, for its national liberation. It is not enough to recognize the right of the Palestinians to resist occupation;
3. Sanctions must be applied against Israel as an aggressor which suppresses and oppresses another people and defies the world community.

Given the motivations of Israeli policy, the conclusion is inescapable that Israel must be coerced if it is not to continue to stalk as a savage state.

Notes

1/ Alfred T. Moleah, "Violations of Palestinian rights: South African parallels," Journal of Palestine Studies, Vol. X, No. 2 (Winter 1981), p. 16.

2/ The Conventions include: The Hague Conventions of 1907 and 1909, the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), the Convention on the Prevention and

Punishment of the Crime of Genocide (1948), and the Universal Declaration of Human Rights (1948).

3/ Translation of news item from the Israeli newspaper Ha'aretz of 12 October 1967 in appendix, document No. 76 in George Dib and Fuad Jaber, Israel's Violation of Human Rights in the Occupied Territories: A Documented Report, 3rd ed. (Beirut, Institute for Palestine Studies, April 1970). (Direct quotation from p. xvi).

4/ For a study including summaries of the relevant reports see Ghassan Bishara, "The human rights case against Israel: The policy of torture," Journal of Palestine Studies, vol. VIII, No. 4 (Summer 1979), pp. 3-30. Also see Journal of Palestine Studies, vol. X, No. 1 (Autumn 1980), pp. 94-117 for texts of report from the United States Consulate in Jerusalem.

5/ Dib and Jaber, op.cit., pp. xvii-xviii.

6/ See testimonies of 62 former inmates in Dib and Jaber, op.cit., p. 1-164.

7/ For a list of 1,156 deportees and the dates of their expulsion from 1967-1978, see Ann M. Lesch, "Israeli Deportation of Palestinians from the West Bank and the Gaza Strip, 1967-1978", two parts, Journal of Palestine Studies, vol. VIII, No. 2 (Winter 1979), pp. 101-131, and vol. VIII, No. 3 (Spring 1979), pp. 81-112.

8/ United Nations document A/33/356.

9/ William Claiborne and Edward Cody estimated that "nearly one-third of its [West Bank] 2,200 square-mile area has been bought, expropriated, 'closed' or otherwise seized for Israeli civilian and military purposes. The settlements alone cover 28,000 acres". The West Bank: Hostage of History. (Washington, D.C., Foundation for Middle East Peace, 1980), p. 1. See Davar (5 October 1979) for a list of more than 100 settlements in the occupied territories.

10/ See study by the Committee on the Exercise of the Inalienable Rights of the Palestinian People, "Israeli policy on the West Bank water resources".

11/ Ibid., p. 14.

12/ Cited in report of the Economic Commission for Western Asia, "Social and economic conditions of Palestinian women inside and outside the occupied Territories", 1980, p. 41.

13/ Dib and Jaber, op.cit., pp. 1-164. The total number of violations is my summation of violations listed in the study after each of the 62 testimonies.

14/ Quoted from Sharett's diaries by Livia Rokach, Israel's Sacred Terrorism (Massachusetts, Association of Arab-American University Graduates, 1980), p. 36.

15/ Arie Ya'ari, "Vladimir Rabi: The treason of the intellectuals," New Outlook, May 1981, p. 47.

16/ Lisa Levenberg, "The dilemma of Israeli education," New Outlook, May 1981, p. 37.

17/ Resolution adopted at the 1538th meeting on 13 February 1980. Text in Bulletin No. 5, Vol. III, (May 1980), of the United Nations Special Unit on Palestinian Rights, pp. 24-25.

18/ Moleah, op.cit., p. 16.

19/ United Nations document A/34/631.

20/ The Zionist movement was able to acquire only about 6 per cent of Palestine before partition in 1947. The rest of the country was seized by force in subsequent wars.

21/ Muhammad Hallaj, "As we see it", Middle East International, No. 144 (27 February 1981), p. 7.

22/ Matityahu Drobls, Master Plan for the Development of Settlement in Judea and Samaria, 1979-1983. Jerusalem, World Zionist Organization, October 1978 (mimeographed).

23/ Ann M. Lesch, ibid., table 4, p. 105.

24/ Yehuda Z. Blum, "Israel, the UN and Middle East peace", Middle East Focus, vol. 3, No. 3 (September 1980), p. 18.

25/ Gabriel Ben-Dor, "Crisis in Israeli society", Middle East Focus, Vol. 4, No. 1 (May

1981), pp. 19-23.

26/ Boaz Evron, "The Holocaust: Learning the wrong lessons", Journal of Palestine Studies, vol. X, No. 3 (Spring 1981), p. 21.

27/ Israel Shahak, "The 'historical rights' and the other Holocaust", Journal of Palestine Studies, vol. X, No. 3 (Spring 1981), p. 21.

28/ Ibid., p. 33.

29/ Quote from Al Hamishmar of 8 February 1980, attributed to Meir Indor, spokesman from Kiryat Arba settlement, cited in Naseer H. Aruri, "Human rights and the Israeli occupation of Palestine", paper presented to the Second United Nations Seminar on the Question of Palestine, (see part II above, sect. A).

D. IMPLICATIONS OF THE PROCESS OF IMPLEMENTING THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

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1. Definition of fundamental rights

The formulation of the fundamental rights of the Palestinian people has been the result of their liberation movement and of the historical events which have fostered the independence of the other Arab countries and third world countries. But in modern times, no people has found it as difficult as have the Palestinians to (a) achieve legal recognition of their rights (which no one can now question, except Israel and others, for various reasons) and (b) secure the implementation of those rights. We have recently embarked on the second of these phases. The process involves many difficulties and it is therefore necessary to determine its implications, examine the obstacles and adopt measures - especially within the framework of the United Nations - to hasten the most thorough implementation possible, which conserves the greatest number of human lives and avoids the destruction of land and buildings that would further retard the material and social progress of the Palestinians after they have achieved sovereignty and established their fundamental institutions. Although fundamental rights are now covered by international law, there is no model or rigid plan which could be applied blindly, except in the case of Palestinians in very specific situations. It must also be constantly borne in mind that the United Nations has had a special responsibility in the matter from the time of "partition" until the present; certainly, this responsibility has been fulfilled within limits which are beyond the Organization's control. It should be added that the United Nations is composed of States holding given positions which they deem legitimate because they safeguard their interests, but the fundamental rights of a people cannot be subordinated to the desire of other States to impose their will. Such arbitrary conduct is inappropriate in view of the existence of an international forum and numerous legal instruments linking States in such a way that international protection should be identical for "all members of the human family", as proclaimed in the preamble to the Universal Declaration of Human Rights.

In order to begin from a basis supported by the widest consensus, we shall list the fundamental rights of the Palestinian people, as stipulated and enumerated in General Assembly resolution 35/169 A of 15 December 1980:

(a) The resolution reaffirms the inalienable rights of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their return;

(b) It also reaffirms the following inalienable rights:

(i) The right to self-determination without external interference and to national independence and sovereignty;

(ii) The right of the Palestinian people to establish its own independent sovereign State.

The Sixth Conference of Heads of State or Government of Non-Aligned Countries, 1/ held at Havana in September 1979, adopted resolution II, which refers to:

(a) The right of Palestinians to return to their homes and property from which they were expelled;

(b) The right of self-determination without external interference;

(c) The right to establish an independent sovereign State in Palestine.

The section headings of the annex to the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the General Assembly in September 1980 give priority first to "the right of return" and then to the right to self-determination, national independence and sovereignty.

In his statement to the General Assembly on 1 December 1980 Mr. Kaddoumi, the representative of the Palestine Liberation Organization (PLO), called for recognition and implementation of the inalienable rights of the Palestinian people and observed:

"The first right is our right to return to our land and property; the second is our right to self-determination without any foreign interference; and the third is our right to sovereignty and national independence and to establish an independent Palestinian State in Palestine."

In comparing this listing of the inalienable rights of the Palestinian people with those appearing in the other resolution and previous documents, one can see that priority is given to the "right of return". It is considered fundamental and sacred, and its priority ranking is explained by the forced, collective displacement of the Palestinians who were obliged to seek refuge after losing the territory in which their community had been located.

2. The right of return

From a moral and legal standpoint, this right is embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights of the United Nations. It was extremely important because at the time when the United Nations was founded, the unfortunate situation of great masses of refugees was still highly conspicuous. It was believed that under the new international order, the number of persons forcibly displaced would gradually decrease, but expatriation became permanent as in the case of the Palestinians. In recent years, we have witnessed the expatriation of suffering masses who have had difficulty in finding a place in other countries or have been forced to remain in special centres awaiting a solution. In contemporary times, however, there has been no other instance in which the majority of a people has endured harsh living conditions for decades as the Palestinians have. It is quite a well-known fact that when Israel declared itself an independent State and occupied territories belonging to the "Arab State", hostilities began, leading to a great exodus of Palestinians. The second great exodus took place during the 1967 war. In 1970, less than half were living within the borders of Palestine - some 400,000 as citizens of Israel and about 1 million as inhabitants of the occupied territories of the West Bank and Gaza.

Of the remaining 1.6 million, about 800,000 were living in Jordan and 600,000 in Syria and Lebanon, the remaining 200,000 being scattered in other countries. Naturally, these figures are subject to change. With the passage of time, the fate and suffering of the expatriate Palestinians have come to be regarded as practically normal; consequently, the aggravation of the problem does not have sufficient impact on the international community. We are accustomed to opening the newspaper every morning and reading about more recent and sensational events. People lose interest in a disaster that lasts for decades. They are under the impression that the situation of the Palestinians has been resolved, and that if problems arise they will be solved through international assistance. General Assembly resolution 194 (III), paragraph 11, which is couched in very weak terms, states that "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date and that compensation should be paid ...". The General Assembly expresses its concern over the matter, makes a demand on Israel without naming the latter and without indicating that the refugees are protected by a right, and informs the Palestinians that they should act in a more understanding way. In resolution 212 (III) of 19 November 1948, the General Assembly expresses its concern in a more coherent and practical manner by organizing assistance to Palestine refugees. In resolution 302 (IV) of 8 December 1949 the Assembly establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). Year after year, in renewing the UNRWA mandate, the General Assembly, in response to growing concern, expressed its profound regret that the refugees had not been repatriated and that the compensation due to them had not been paid. Israel unequivocally refused to display a sense of justice and humanity and permit the Palestinians to be repatriated. Now, however, the international community is confronting Israel with a right in the implementation of which it plays a dominant role. Israel must respect that right or abide by the provisions of Chapter VII of the Charter since the right is being violated through continuous aggression. The Israeli position is summarized in a quotation from a statement to the General Assembly by an Israeli representative:

"The problem of the Arab refugees originates from the rejection by the Arabs of the United Nations resolution on partition and from the war which they declared against the State of Israel the day after it was created. Consequently, they are responsible."

Nevertheless, the legal approach to the problem was gradually gaining ground. Thus, in its resolution 2672 (XXV) of 8 December 1990, the General Assembly recognized that "the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights ...".

There was growing support in the United Nations for the idea that the refugee problem was not a "humanitarian" problem of "international public charity" and did not depend on what Israel thought, but that it was a political problem which involved the existence of a Palestinian national identity, with the right to self-determination. But the exercise of this fundamental right cannot be achieved without the recognition and guarantee of the right of return. Needless to say, no one thought that because this right had been formulated, UNRWA should be abolished. On the contrary, UNRWA has become one of the fundamental bodies involved in the implementation of the right of return and this has been recognized by its own directors who are waiting only to be given sufficient authority and the means required to play their part in the plan of

return as conceived by the Committee on the Exercise of the Inalienable Rights of the Palestinian People. Naturally, we would be drifting towards the Utopian ground of vain abstractions if Israel did not undertake to accept the return of the refugees and pay them the compensation due. The case of Palestine has much in common with that of a people revolting against the oppression of a colonial Power, but there are also differences: a people achieves independence and exercises self-determination and sovereignty in its own territory; the Palestinians have lost their territory (only some of them retain a small corner of Palestine and this corner is shrinking every day), and it must be recovered in order for their fundamental rights to be implemented.

3. Beyond Security Council resolution 242 (1967)

Security Council resolution 242 (1967) has been the cornerstone of the many attempts to find a solution to the Arab-Israeli conflict. Parts of this resolution are still relevant, especially the paragraph concerning the following two principles:

(a) Withdrawal of Israeli armed forces from territories occupied in the conflict;

(b) Termination of all claims and states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force.

However, the resolution lost much of its validity with the signing of the Camp David accords.

This is especially true with respect to its reference to the withdrawal of Israeli armed forces from the occupied territories since Begin has stated, explicitly or implicitly, that Israel must keep "Judea, Samaria and the Golan Heights". Israel confuses the seizure of land with the establishment of secure boundaries.

It suffices to recall the many debates during which the Israeli thesis emphasized "secure boundaries" (with which it extended its territory), and not "withdrawal from occupied territories". The resolution just quoted is inadequate in view of the Palestinian people's decision to proclaim its rights and the right of return; especially weak is the ambiguous and contemptuous concept of "achieving a just settlement of the refugee problem" (para. 2 (b) of the resolution). The international community has already expressed itself categorically on that paragraph's contents, new phases have begun and new possibilities for the achievement of greater justice have been revealed. It should be recalled that the Balfour Declaration spoke of the "civil and religious rights of ... non-Jewish communities in Palestine". It did not mention their political rights or even mention the Palestinians by name, but at least it referred to "rights". With all due respect for the criticism levelled at the Plan of Partition, it did mention the "Arab State". The concepts of "rights" and "State" subsequently disappeared from the international lexicon with respect to the Palestinians. Facing the judgement of the international community in the first year of their tragedy, they were stripped of rights, of State and of land. They are stateless people who are worse off than many refugees in the world who remember their homeland. In a scrupulously honest analysis of the origins of the Palestinian drama and of the instruments then in force in order to understand their components, resolution 181 (II) would have to be studied and the idea of the "Jewish State" fully investigated. It would then be apparent that Israel entered the United Nations largely under the terms of the resolution. At present, however, it is resolution 3236 (XXIX) of 22 November 1974 which, within the framework of the United Nations, sets forth most strongly and clearly that which is not expressed in Security Council resolution 242 (1967): recognition of the inalienable rights and their link to the territory of Palestine as a basic condition for their implementation.

4. The right to self-determination, national independence and sovereignty and the establishment of a State in Palestine

These national rights are recognized as a corollary of a national identity, the right to self-determination being basic. The Palestinians are a people who have a sense of national identity as inhabitants of a country called Palestine. The United Nations accords the Palestinians de jure the status of a people with national rights under the provisions of the resolution on partition authorizing them to establish an "Arab State". That status cannot be withdrawn arbitrarily, that is to say, because another State has occupied the territory and expelled its inhabitants. But in the years which followed, the concept became hazy and the idea of the "Arab State" was lost. The Palestinians acquired a different status, that of refugees, until the General Assembly recognized "the inalienable rights of the Palestinian people". The General Assembly is consistent in its intentions: to acknowledge a legal status and to reaffirm it, since the notion of State is preceded by national identity and the rights arising from it. Accordingly, the General Assembly's latest resolution (35/169 A) begins by recalling and reaffirming resolution 181 (II) of 29 November 1947. It would be a different matter to compel the General Assembly to implement that resolution; in the view of many, that would be neither realistic nor in line with its competence or its subsequent resolutions requiring Israel to return the territory taken in 1967. General Assembly resolution 1514 (XV) of 14 December 1960 should be mentioned in connection with the implementation of the right of the Palestinian people to self-determination, since it has had such a great impact on the liberation of peoples under the colonial yoke. It begins: "The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation". With particular reference to Palestine, resolution 2672 C (XXV) of 8 December 1970 contains two decisive paragraphs in which the General Assembly: "Recognizes that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter of the United Nations", and "Declares that full respect for the inalienable rights of the people of Palestine is an indispensable element in the establishment of a just and lasting peace in the Middle East". This establishes a link, not made in Security Council resolution 242 (1967), between the recognition and implementation of the rights of the Palestinian people and the establishment of peace in the Middle East. It suffices to note the explosive situation in the Middle East to see the historic value of

this resolution. An analysis of the voting on the many resolutions concerning the Middle East and Palestine in particular reveals virtual unanimity among all countries - naturally with the persistent exception of Israel. In fact, the General Assembly has been the body which has most firmly and consistently adopted resolutions on the matter whereas the Security Council, as we shall see later, cannot overcome the executive paralysis caused by the veto of one of its permanent members, even though the Council has had two or three opportunities to achieve a breakthrough. It should be stressed that the implementation of the fundamental rights of the Palestinian people must be achieved with the participation of the United Nations, its bodies and the Secretary-General, or in conferences or negotiations supported and guaranteed by it in order that the decisions may have greater authority. The inalienable rights of the Palestinian people have been established clearly in the legal field and are supported almost unanimously by the international community. Separate agreements concluded outside the United Nations framework and aimed at preventing the implementation of the Palestinians' right to self-determination, such as those concluded at Camp David, are invalid and should be repudiated outright. But it must be recognized that we are at a crossroads in history: if the inalienable rights of the Palestinian people are not implemented, they may remain a purely theoretical claim or be used as a banner in the struggle for the liberation of an entire people; thus far, there is no sign of the method that should be used to achieve the desired goals although legally, and on the basis of the Charter, there are clearly-defined modalities for attaining the objective which only be the reparation of the injustice committed against the Palestinians. It is accordingly necessary to continue seeking to influence world public opinion, exposing the details of events from the start and attempting to point out that unless the Palestinian problem is solved, the Arab-Israeli problem cannot be solved and unless the latter is solved, there is no hope for true peace in the area and in the world. In so saying, we are not internationalizing the Palestinian conflict but revealing the magnitude of its consequences in today's endangered world.

5. Efforts to implement the fundamental rights of the Palestinian people

At present, there is a visible dichotomy between the General Assembly's efforts and the Security Council's negative attitude towards the Palestinian problem. While it is true that there has been appreciable progress in this connection, for example the Council's adoption of resolutions 465 (1980) and 478 (1980), which contained new elements on the subject, these resolutions have remained ineffective. In resolution 35/169 of 15 December 1980, the General Assembly "requests the Security Council to convene in order to consider the situation and the adoption of effective measures under Chapter VII of the Charter". This resolution is more categorical than resolution 34/65 and others. Resolution 35/169 demands "the complete and unconditional withdrawal by Israel from all the Palestinian and other Arab territories occupied since June 1967, including Jerusalem, in conformity with the fundamental principle of the inadmissibility of the acquisition of territory by force". It is well known that Israel will not pay any attention to the General Assembly's demand because it has adopted a position of defiance towards the United Nations; it dares to do so because of the support it receives, in particular, from the United States. It is logical to say that the General Assembly has not exhausted its efforts to urge the Security Council to take action and to oblige Israel to fulfil its obligations towards the Palestinians. However, the situation within the United Nations has become complicated and inextricable and requires the perseverance and firmness of all those having the authority and responsibility for solving this conflict. For now, the most serious obstacle is to be found in the United States, whose leaders must (a) deal with the demands of Americans of Jewish origin, and (b) deal with their own geopolitical interests in the area stemming from the role of the United States as a great Power. However, this situation may evolve and a change can already be seen in the views of many American legal experts, professors of international law, students and the public in general towards the Palestinian tragedy. On the other hand, if the United States continues pursuing the course it has followed thus far, it will be obliged to confront not only the criticism of the third world but also that of the international community as a whole with the inevitable exceptions.

In listing examples of the progress achieved in accelerating the implementation of the rights of the Palestinians, it should be noted that in 1975 the General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. In addition to setting forth basic considerations and guidelines, the Committee has formulated recommendations and defined the modalities for the implementation of the exercise of the inalienable rights of the Palestinian people. It has prepared the different phases of the return of the Palestinians displaced between 1948 and 1967 and has issued a series of recommendations for the implementation of the rights to self-determination, independence and sovereignty. The Committee considers that the evacuation of the territories occupied by force is a condition sine qua non for the exercise by the Palestinian people of its inalienable rights to its homes and property. With the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise its right to self-determination and to decide on its own form of government without external interference. The Committee's recommendations have been endorsed by the General Assembly and transmitted to the Security Council, but the latter has not taken any action on them. There is no doubt that, in view of Israel's negative and belligerent attitude, pressure must be exerted on that State, the coercive measures envisaged in the Charter must be applied, or the Super-Powers and other States must take some form of concerted action; a precedent for this was set in 1956 when Israel withdrew its troops from the territories it had occupied at that time. The closest thing to a policy of coercion can be found in the General Assembly recommendations to the effect that economic and military aid to Israel should be withheld as long as it continues to occupy the Arab territories and refuses to recognize the inalienable rights of the Palestinian people. The Security Council adopted resolution 465 (1980) dated 1 March 1980, which deals in particular with the settlements in the occupied Arab territories and

"Determines that: all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East."

Later, it "calls upon all States not to provide Israel with any assistance to be used specifically in connection with settlements in the occupied territories". This resolution was well-designed, it gave rise to a long series of declarations, it was drafted after an invitation had been issued to the Mayor of Al-Khalil (Hebron) and it contains new elements, according to the Committee on the Exercise of the Inalienable Rights of the Palestinian People. It prompted the representative of Egypt to express his concern about Israel's intensification of its settlement policy in the occupied territories and it also prompted the representative of the United States to declare, "we realize that there cannot be complete peace in the region until every aspect of the Palestinian problem has been dealt with" and to add that "the United States considers the settlements in the occupied territories to be illegal under international law", although he made substantial reservations at the end of his statement. Unfortunately, while the resolution, with its new contributions and its omissions, was accepted by consensus in the Security Council and was adopted, it had no effect because President Carter said that he was not prepared to suspend aid to Israel; since the United States is the main supplier of such aid, in practice, Israel would continue to be supplied and protected. The failure of the Security Council's efforts in that instance and the vacillation of the United States Government convinced Israel that it could continue to pursue its settlement policy in the occupied territories with impunity. Another fact to be taken into account is the United States' commitment to Israel contained in a memorandum relating to the Camp David accords. Article 5 of this memorandum states: "The United States will oppose and, if necessary, vote against any action or resolution in the United Nations which in its judgement adversely affects the Treaty of Peace". It is well known that President Carter placed his personal prestige at stake at Camp David: he felt that the Camp David accords were one of the great achievements of his Presidency. It may also be recalled that in an interview on 1 June 1980, President Carter stated: "We will not permit in the United Nations any action that would destroy the sanctity of and the present form of [resolution] 242 (1967). We have a veto power that we can exercise, if necessary, to prevent the Camp David process from being destroyed or subverted". Since neither resolution 242 (1967) nor the Camp David accords recognizes the inalienable rights of the Palestinians, the Security Council may be expected to remain ineffective in that connection until the United States radically alters its attitude or until the General Assembly or the international community finds new ways of ensuring the implementation of the fundamental rights of the Palestinians. At this very moment, newspapers and radio broadcasts are reporting another Israeli incursion into Lebanon, which has caused the death of more than 300 men, women and children. Although the world is stunned, no way can be found to calm Begin's fury. The journalist James Reston of The New York Times, referring to President Reagan, asked: "What is his Middle East policy? Will the United States continue to finance policies in Israel it 'deplores' and 'condemns'?" However, Israel's "friends" are immediately mobilized on the assumption that Israel's national interests are identical to the world interests of the United States.

6. Camp David

In a reply to the Secretary-General of the United Nations dated 4 November 1980, the Permanent Representative of Israel said:

"The Minister for Foreign Affairs of Israel on 29 September 1980 in the course of the general debate ... of the General Assembly ... stated that the Camp David Framework Accord for Peace in the Middle East, which is based on Security Council resolution 242 (1967), is the only approach which is within the realm of the possible, and that, in accordance with the Framework Accord, negotiations have been taking place for the attainment of full autonomy for the Palestinian Arab inhabitants of Judea, Samaria and the Gaza district".

In its resolution 34/65 B, dated 29 November 1979, the General Assembly,

"1. Notes with concern that the Camp David accords have been concluded outside the framework of the United Nations and without the participation of the Palestine Liberation Organization, the representative of the Palestinian people;

"2. Rejects those provisions of the accords which ignore, infringe, violate or deny the inalienable rights of the Palestinian people, including the right of return, the right of self-determination and the right to national independence and sovereignty in Palestine, in accordance with the Charter of the United Nations, and which envisage and condone continued Israeli occupation of the Palestinian territories occupied by Israel since 1967;

"3. Strongly condemns all partial agreements and separate treaties which constitute a flagrant violation of the rights of the Palestinian people, the principles of the charter and the resolutions adopted in the various international forums on the Palestinian issue;

"4. Declares that the Camp David accords and other agreements have no validity in so far as they purport to determine the future of the Palestinian people and of the Palestinian territories occupied by Israel since 1967".

The Camp David accords represent one of the harshest blows dealt the Palestinian cause in recent years because they aggravate the difficulties involved in implementing the fundamental rights of the Palestinians, deny their rights and reduce their right to sovereignty to a mere formula for autonomous administration in the West Bank, while giving the Israelis a dominant role to play in the final structuring of the formula and subjecting the Palestinians to the repressive system of the Israeli authorities. The Camp David accords radically undermine resolution 181 (II) since the "Arab State" would become little more than a community, not entirely freed from territorial rule, worse than a protectorate, with purely formal administrative autonomy, where the will of Israel would prevail in every circumstance, and where the Palestinians would not have any protection whatsoever. Because these accords were concluded without the presence of PLO representatives, they have no

validity and are being imposed on them through the concerted action of three Powers. Mr. Sayegh said that "a fraction of the Palestinian people (under one third of the whole) is promised a fraction of its rights (not including the natural right to self-determination and statehood) in a fraction of its homeland (less than one fifth of the area of the whole); ... through a step by step process in which Israel is able ... to exercise a decisive veto power ... Beyond that, the vast majority of Palestinians is condemned to permanent loss of its national Palestinian identity, to permanent exile and statelessness, to permanent separation from one another and from Palestine - to life without national hope or meaning". The Camp David accords strengthen the alliance between Israel and the United States; the latter considers them to be a great contribution to the cause of peace. Nevertheless, considerable criticism has been aroused in the United States by the idea that in pursuing its settlement policy, Israel has not fulfilled its commitments. Despite the fact that Israel, in the letter to the Secretary-General, referred to resolution 242 (1967) as the basis of the Camp David accords, there is no reference to the fate of the so-called "refugees", no indication of any hope of return, and no mention of Palestinian rights. Because these accords were concluded in strict privacy, they are also sowing dissension among the Arab peoples and are prompting them to ignore their fundamental organizations. However, the main thing is that they place the fate of the Palestinians in the area in the hands of Israel. As to Israel's attitude towards the autonomy plan, one must rule out any possibility that so-called "administrative autonomy" could evolve towards a sovereign entity free of Israeli tutelage, and especially towards a State, a possibility which Israel violently rejects. If any decision contrary to Israel's way of thinking was taken on this point the occupying State would intervene militarily. Of course, Israel will try to find substitutes for the legitimate representatives of the Palestinians, but its attempts will fail because of their cast-iron unity.

7. Israeli expansionism

Israel's expansionist nature has been revealed throughout its history by the doctrine that has guided its behaviour, namely, zionism, according to which, as Herzl wrote, Palestine should become a "Jewish State". In 1919, the Zionist delegation to the Peace Conference of Paris circulated the plan for a "Zionist State", which included such areas as the southern part of Lebanon and the Golan Heights. Even at that time, the Zionist ambition was to have borders that met the economic needs, the historical traditions and the Messianism of the "chosen people". The "Economic Union of Palestine" contained in the plan of partition, which was directed towards the joint development of a Jewish and an Arab State and access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities, was a far cry from the Zionist intentions. The Jewish State absorbed the Arab State, took over its resources and sources of energy and drove its inhabitants out of Palestine. On 3 May 1943, General Patrick J. Hurley, personal representative of President Roosevelt in the Middle East, informed the President "that the Zionist organization in Palestine had disclosed a far-reaching programme for: (a) a Jewish State that would include Palestine and eventually Transjordan; (b) the eventual transfer of the Arab population of Palestine to Iraq; and (c) Jewish supremacy throughout the Middle East in terms of economic development and control". If a detailed investigation is made of the plans, doctrines and intentions of zionism, starting with its preliminary activities up to the present, one sees that Israel is gradually fulfilling its territorial dream: expansionism accompanied by the despoliation and expulsion or subjugation of the Palestinians. Accordingly, the fundamental rights of the Palestinian people must be proclaimed on extremely clear bases, which link such rights with land and property. Since the start of their occupation, the Israelis have pursued a settlement policy which consists of dispersing the Palestinians, destroying their homes in accordance with plans, meting out collective punishment, wiping out entire villages, and making sure that the settlements have the best land and resources and that they receive military protection. To ensure that these plans are carried out, steps have been taken to develop natural resources and to build irrigation systems and engineering works to help the Israeli settlers. Since the Camp David accords, the settlement policy has been pursued on the West Bank in a strategic manner, thoughtlessly and without any regard for world public opinion. What kind of autonomy can be achieved if the territory is riddled with or divided by settlements that are considered to be fortresses? Statistics show that the land expropriated by Israel already represents 29 per cent of the total area of the West Bank, the major part of the Golan Heights and 35 per cent of the Gaza Strip. The Palestinian Arabs who remain in the occupied territories, including Jerusalem, are subjected to the constant pressure of threats, the purpose of which is to create more protected space for the Israelis. The settlement policy has the additional effect of changing the political and legal status, the demographic composition and also the geographical characteristics of the region. As Mr. Mutukwa said, this is purely and simply "a form of colonialism aimed at violating territorial integrity and national unity so as to infringe the right to self-determination".

8. Arab nationalism and the PLO

The fundamental rights of the Palestinian people could not have been recognized had not a strong sense of nationalism emerged among the Palestinians, constituting evidence of that people's identity. The United Nations agreements could not have been achieved had there not been an awareness of the Palestinian people's sense of unity, its pride in its historical roots and its sense of national destiny. It may still take several years but the Palestinians - fugitives from or robbed of their own territory - will achieve sovereignty and secure their own State. The Palestinian cause has always been the case of all Arabs notwithstanding passing differences. Israel's historical error has been its failure to recognize the Palestinian community as a nation. Under the present circumstances, the recognition of the PLO as the legitimate representative of the Palestinian people constitutes a development of the utmost importance. Israel persists in refusing to recognize it and in seeking to cause it to lose prestige and to deprive it of authority, thereby preventing a valid interlocutor from being present at any discussions or negotiations concerning Palestinian rights. There can be no exercise of the fundamental rights of the Palestinian people without the PLO. The PLO acts as executor in all matters affecting the interests of the Palestinian people. The PLO, having rallied so often to fight the colonial or occupying Power, is the embodiment of a national movement. The PLO is not a political party or a faction. On many occasions it behaves as though national powers had been delegated to it. If the PLO were a "terrorist" organization, it would have

a rigid and dictatorial structure instead of a democratic one based on a real national assembly and executive council. Under resolution 3236 (XXIX), adopted on 22 November 1974 in the presence of the Chairman of the PLO, Yasser Arafat, the General Assembly "Reaffirms the inalienable rights of the Palestinian people". The resolution makes it clear that the Palestinian people has the right to regain its rights "by all means" in accordance with the purposes and principles of the Charter. It also emphasizes that full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine and recognizes that the Palestinian people is a principal party in the establishment of a just and lasting peace in the Middle East. The resolution already contains the arguments needed to nullify the Camp David accords. The PLO does not confine its activities to the United Nations but extends them to numerous organizations; these include the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries.

9. Positive and negative elements of the existing situation

In the interest of being realistic, attention must be drawn to the positive and negative elements of the existing situation in respect of the process which should lead to the full implementation of the fundamental rights of the Palestinian people. They can be summarized as follows:

Positive elements :

(a) The progress which has been made over the years in the United Nations, in the clarification and moral, legal and political recognition of the Palestinian situation and which culminated in General Assembly resolution 35/169;

(b) The political authority currently wielded by the PLO as legitimate representative of the Palestinian people and the international community's recognition of the PLO;

(c) The recommendations for the implementation of the fundamental rights of the Palestinian people and other works as well as the constant vigilance of the Committee on the Exercise of the Inalienable Rights of the Palestinian People;

(d) The intensive research into and analysis of human rights violations in the occupied territories carried out by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories;

(e) The progress made by the Security Council as reflected in resolutions 446 (1979) and 465 (1980);

(f) The "neutral" vote cast by the European countries at the special session of the General Assembly on the question of Palestine;

(g) The Venice declaration on the Middle East of the European Council condemning the Camp David accords and reaffirming the relevant resolutions of the General Assembly concerning the inalienable rights of the Palestinian people;

(h) The withdrawal of some embassies from Jerusalem as an expression of disagreement with Israel's annexation of that city.

Negative elements

(a) The Camp David accords, which make no mention of the inalienable rights of the Palestinian people;

(b) The pursuit, by Israel, of its policy of establishing settlements on the West Bank;

(c) The ineffectiveness of the Security Council on the question of Palestine owing, in large measure, to the use of the veto by the United States;

(d) Israel's opposition to the Palestinians' right of return;

(e) Israel's opposition to the Palestinians' right to self-determination;

(f) Israel's violation of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights as far as the Palestinians are concerned;

(g) Israel's opposition to recognition of the PLO and its campaign to label that organization as "terrorist";

(h) The change in Jerusalem's status;

(i) Israel's attacks and air raids on Lebanon aimed indiscriminately at men, women and

children;

(j) The bombing and resulting destruction of the atomic reactor near Baghdad;

(k) The military weakness of the Arab countries which prevents them from standing up to Israel's attacks and threats;

(l) The world's feeble reaction to Israel's deliberate and continuing military attacks;

(m) The failure of the United States to recognize the fundamental rights of the Palestinians, its insistence that Security Council resolution 242 (1967), which contains the reference to "refugees", still applies; its assistance to, and arming of, Israel and its use of the entire area to strengthen its hegemony as part of its world strategy.

10. Extension of the Palestinian conflict

The full and unconditional support of the United States for Israel is unfortunately the main obstacle to the solution of the Palestinian problem. It is feared that this obstacle may grow as United States intervention and presence in the area expand in furtherance of its specific purposes as part of the increasing rivalry between the United States and the Soviet Union. We have always felt that the Palestinian question was the key to the Middle East conflict. However, the question has been exacerbated by the continued existence of injustices vis-à-vis the Palestinians and by the fact that Israel's expansionary aims are being supported, that is being armed so that it can attack other Arab States and is being made to believe by the United States that it is an indispensable piece in the great game of world politics. Thus, for reasons which go beyond the Arab-Israeli conflict and have to do with international tension, the area is now one of the areas which pose the greatest threat to world peace. At the same time, the extension and heightening of tensions in the area will have a negative impact on the Palestinian question since the United States will (a) redouble its aid to Israel, which has become its powerful ally and (b) seek to obtain military facilities in some countries in the area by trying to convince them that the real enemy is not Israel but the Soviet Union. The United States believes that developments in the Middle East and adjacent areas, such as the increase in oil prices, the revolution in Iran and the occupation of Afghanistan, have undermined its influence and damaged its interests. Meanwhile, the Jewish lobby, particularly in Washington, which has tremendous influence on the information media, although there certainly are strong and more independent nuclei of opinion, continues to pressure the Government to grant Israel the most advanced war matériel on the pretext of the threat posed by the Soviet Union or by other countries. For example, owing to pressure from the Jewish lobby, the United States leaders have had to agree with Israel to term what happened immediately following the raid on Baghdad a "misunderstanding". This clarification clears the way for the delivery of F-16 bombers to Israel. But Israel uses the weapons and aircraft delivered to it by the United States in case an international threat arises to attack Arab countries and intensify Lebanon's agony. Israel's friends in Washington do not realize that their efforts to defend Israel's policy of aggression are creating deep dissatisfaction with the United States in the Arab countries. Israel, taking into account the geopolitical approach of certain United States strategists, persists in viewing itself as an aircraft carrier anchored facing the Mediterranean Sea and the Red Sea. It is also very much aware of the fact that it is situated at the intersection of three continents. It is cause for great concern that Israel's mastery of weapons production technology is causing it to become a supplier of military artifacts to some third world countries. Aside from the burden this places on these countries, which often are unable easily to acquire what they seek, Israel's offers must be accompanied by certain political conditions. Another decisive factor is the emotions generated in Israel by the "holocaust" and the outbreaks of "anti-Semitism". We are appalled and moved by the tragic fate of the Jews under Hitler for pogroms and anti-Semitism are totally alien to Arabs. Arabs and Jews have lived side by side in various places, in communities where harmony and solidarity have prevailed. Now, Israel is seeking by every means to become vital and indispensable to the United States so that it can more easily make its views regarding the Palestinian problem prevail. However, this will not help to solve any conflict and will merely lead to world disapproval of Israel.

11. Israel and South Africa

There are many striking similarities between Israel and South Africa. Israel, based on zionism, has pursued a racist policy (forgetting that millions of Jews suffered because of the Nazis' racist fervour). Although the Jews never succeeded in fully integrating themselves in Western civilization, they arrived in Palestine as representatives of a "superior", civilized people which considered the inhabitants of the area, namely the Palestinians, as inferiors. In so doing, they applied the same colonialist-racist criterion applied by some major Western Powers. Israel has always been supported by a major Power, first, the United Kingdom, now the United States. In order to highlight the tendencies towards racial discrimination which have activated the Israelis, it would be necessary to review the various studies that have been carried out on the way in which western Ashkenazy Jews lived together in Israel with eastern Sephardic Jews. Attention has been drawn to the similarities so far as methods of operation are concerned between zionism and the Calvinist Christianity of the Boers in South Africa. The Arab communities in Israel and on the West Bank are being forced into a situation very similar to that of the "bantustans" in South Africa. The "Judaization" of an area or of a town in Palestine is undertaken with the same colonialist, racist feeling that inspired the Boers and that has been perpetuated in South Africa: the land is confiscated, the Palestinians are expelled or compelled to leave and their place is taken by Jewish settlers. At one time there were Zionist thinkers who dreamed of a binational State but their voices have been silenced. It is worth repeating the statement made by one Zionist leader: [The aim is] "to create a Jewish State as Jewish as England is English". Both Israel and South Africa have become powerful military bastions possessing

tremendous offensive capacity. Israel attacks and bombs Lebanon without a second thought in order to destroy the Palestinians, just as South Africa attacks Angola in order to destroy the "freedom fighters". Both States possess or are in the process of acquiring the nuclear bomb. Year after year the United Nations adopted strongly-worded resolutions condemning South Africa for its apartheid policy directed against the blacks. Something similar happens in respect of Israel because of its repressive policy against the Palestinians. The two States adopt a negative and arrogant attitude towards these condemnations by the United Nations. We should add - and this is important and significant at the present time - that the attitude of the United States towards the two States is similar. Although, on the one hand, it tries to demonstrate that it is working hard to ease the lots of blacks and Palestinians, on the other, it feels that Israel and South Africa are allies which it cannot dispense with because of their power and geographical location. Israel's raid by air on Entebbe was greeted as a tremendous feat. But while this exploit by the Israeli aviators was undoubtedly spectacular, it also showed that Israel has the potential to penetrate Africa. The similarity of interests and close cooperation between Israel and South Africa cannot but cause great concern to the African peoples and to the international community in general.

12. Conclusions

More than 30 years have elapsed and the Palestinian people continues to suffer in exile or in occupied lands. A number of initiatives have been taken to find a solution to a problem which grieves the whole of mankind but the efforts always come to naught, thus giving rise to frustration and bitterness. Solution of the Palestinian problem would result in relaxation of tension in the Middle East and would make a major contribution to the strengthening of world peace. We can neither ignore nor back away from the difficulties. We have great faith in world opinion and believe that once the world fully understands the problem in all its complexities and ramifications it can exert a decisive influence so that a people which is now humiliated and oppressed may finally be liberated and attain the position it deserves in the international community in full enjoyment of its freedom, land and inalienable rights. We are confident that Washington could be brought to change its course if there were a positive reversal of public opinion in the United States and if its Western and other allies were to show greater interest in the matter. We would venture to draw the following conclusions and make the following suggestions:

(a) The American people should be more fully informed of Israel's aggressive policy and of the United States contribution to that policy in the form of war matériel, technology and substantial economic resources;

(b) This assistance encourages Israel's military boldness vis-à-vis its neighbours and consolidates its oppression of the Palestinians in the occupied territories and does not directly benefit the Israeli people, whose well-being and development are adversely affected;

(c) We believe that it would be beneficial if the relevant committee were to organize a special seminar for the United States. Jurists, university professors, journalists, students and others who have expressed an interest, on more than one occasion, in studying the Palestinian question in greater depth could be invited to this seminar;

(d) It is necessary to stress, particularly as far as the American people are concerned, that recognition of Palestinian rights or the possible establishment of a Palestinian State or of a sovereign entity in occupied lands will not in any way constitute a threat to the existence and security of the Jewish people. To that end, a guarantee could be sought from the United Nations or from other Powers, with the acquiescence of the international organization;

(e) It would greatly benefit the Palestinian cause if the United Nations were to arrange for greater representation of Palestinians resident in the occupied territories at its conferences and at meetings of its organs;

(f) Greater pressure should be brought to bear on Israel to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons;

(g) Due account should be taken of the promising attitude adopted towards the problem by Western Europe;

(h) Greater efforts should be made in the General Assembly and in the Security Council to give urgent consideration to the need to apply some of the provisions of Chapter VII of the Charter to the State of Israel because of its failure to fulfill its obligations and of its acts of aggression, which threaten international peace and security;

(i) A seminar such as this one, which is being held in Latin America, whose people achieved freedom and sovereignty following a long and heroic struggle against the colonial Power, should arouse greater interest on the part of the public and among Governments in the region; hence, it is necessary to ensure that the work, discussions and conclusions of this seminar are widely disseminated.

Despite the inherent difficulties of so serious an international problem, there is no doubt that when the pros and cons are weighed it is clear that tremendous progress has been made in the world as regards understanding of and interest on all matters relating to the Palestinian cause.

Notes

1/ A/34/542.

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E. HUMAN RIGHTS AND PALESTINE

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For the Seminar on "The inalienable rights of the Palestinian people", convened under General Assembly resolution 34/65 D of 12 December 1979, I have been assigned the topic "Human Rights and Palestine".

It is an important topic and one of constant relevance. The problem of the situation in the Middle East, the violence unleashed in the region, the policy of Israel, the occupation of territories by force, the continuing struggle of a people for self-determination and the presence of foreign interests trying to exert permanent influence and achieve political, economic and other ambitions in the region for foreign Powers are elements which have created a state of affairs that affects peace, creates a warlike situation, has a negative impact on human rights, threatens the security of the peoples and makes the Middle East a focus of tension and an area of confrontation which arouses concern in all the peoples of the world and prevents harmonious, peaceful and respectful coexistence among nations.

The United Nations has been constantly concerned with the situation in the Middle East because of its negative implications for peace and security. In truth, it must be admitted that that situation has been getting progressively worse since 1967 for various reasons which have rendered international tension more acute. The primary causes of the deterioration of the situation in the Middle East, which threatens peace and security, include the following factors:

- (a) The State of Israel's refusal to return the Arab territories conquered by force;
- (b) The implementation by the Tel Aviv Government of a policy aimed at bringing the Arab territories conquered by force almost completely under Israeli sovereignty;
- (c) The repeated use of armed force by Israel which has created a state of permanent fear and militancy and a constant threat to the Arab population;
- (d) Israel's refusal to recognize the resolutions of the United Nations General Assembly and other competent organs in so far as they refer to the rules which ensure harmonious and peaceful coexistence based on respect for the rights of neighbours and the other countries in the region;
- (e) Israel's policy of non-recognition of the rights of the Palestinian people to free and voluntary self-determination;
- (f) Repeated disregard for the human rights of the Palestinian people and international norms such as those established in the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time

There are undoubtedly other facts which explain and contribute to the progressive deterioration of peace and security in the region but it seems that the above-mentioned causes include, in one form or another, the principal reasons for the unstable and distressing situation of the peoples of the region, particularly the Palestinian people. Israel has maintained that its attitudes and its uses of armed force are intended only to defend its existence, which is threatened by the decision of the Palestine Liberation Organization (PLO) and some Arab States, which have proclaimed their intention of wiping out the Israeli State. The truth is that in recent years it has been possible to discern a policy of the Arab States and the Palestinians which does not have the purpose stated by Israel but which seeks primarily the return of the territories conquered in the 1967 war, an end to violent acts of so-called retaliation through attacks, bombardments and acts of mass destruction by Israel's military forces against Arab population groups, and recognition of the inalienable rights of the Palestinian people, in particular, the right to self-determination. This does not mean the destruction of the State of Israel, which, moreover, would not find any justification in the principles of international law and the Charter of the United Nations, which guarantee all peoples, in every region of the world, the right to live in peace and security.

The human rights of the Palestinian people are no different from those that are recognized for all the peoples of the world and are proclaimed and validated by various international agreements, starting with the Charter of the United Nations, and accepted by the majority of the States of the world. The Palestinian people ask no more and can accept no less than that which has been recognized as the essential basis of the human rights of all social and political groups. I do not believe that the Palestinian people demand special treatment different from that which prevails for all other peoples. Human rights are and must be equal for all individuals and all nationalities. In this area, there can be no pre-eminence of any kind because all peoples are equal in international law and have the same rights without restriction. The Palestinian people, therefore, have a right to enjoy the same human rights guaranteeing life, security, peace, the family, development, well-being, respect for their cultural and ethnic values, international protection, harmonious coexistence, international cooperation and self-determination, to which each and every one of the national groups existing in the world is entitled. The Palestinian people cannot be deprived of these and the other rights and treatment that are demanded, respected and proclaimed by the international community.

A brief detailed description of some of these essential rights, which the Palestinian people must enjoy to the full, is given below.

The right to determine freely, without external interference, its political status and its economic, social and cultural development. Every State has the duty to respect this right of the Palestinian people, in accordance with the provisions of the Charter.

This right derives from the principle of equality and the right to self-determination of peoples embodied in Articles 1 and 55 of the Charter. We may note that in contemporary international law, the subjects of international law include not only States but also peoples who are therefore entitled to the unrestricted application of the principles of equality and self-determination. This right, recognized in the Charter, is inspired by the need to safeguard the rights of peoples and applies, indisputably, to the inhabitants of their territories because the protection of human rights is general in scope and does not allow undue restrictions. Consequently, the people of Palestine have a perfect right to become a sovereign and independent State or to acquire any other freely determined political status. Self-determination is based on the freely expressed wishes of peoples. Therefore, the wishes of the Palestinian people must be determined and no external intervention which limits or restricts their will and their right or which conditions their independence or sovereignty is permissible. The right to self-determination of the Palestinian people is identified with the right to establish its own sovereign and independent State. It would be inadmissible discrimination to try to deny the people of Palestine the right to free self-determination when the use and exercise of the same right has been recognized and is recognized with respect to other peoples in different regions of the world. Consequently, any measure or any act which restricts the right to self-determination of the Palestinian people, i.e., its right to organize freely and voluntarily as a sovereign political entity, in accordance with its wishes, is illegal under the Charter and contrary to the principles proclaimed by the General Assembly and the prevailing norms of contemporary international law. The logical conclusion to be drawn from these norms adopted by the international community is that the people of Palestine should receive the support of the United Nations and all Member States in their endeavour to exercise their right to self-determination, in accordance with the purposes and principles of the Charter.

At the same time, this duty of the United Nations provides the legal basis for the corresponding duty of all States "to refrain from forcible action which deprives the Palestinian people "of their right to self-determination and freedom and independence".

Consequently, threats, repression, the use of force, and any attempt to impede the self-determination of the people of Palestine is contrary to the norms of international law and the principles of the United Nations.

The Charter of the United Nations provides that all States "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations". Thus, all nations are protected by this principle, which constitutes a declaration of the illegality of war. We may note that the Charter prohibits not only the use but also the threat of force and provides that armed force shall not be used except in the common interest. Consequently, any use of force except in the case of self-defence is inconsistent with the purposes of the United Nations. The United Nations General Assembly has therefore declared that "a war of aggression constitutes a crime against the peace, for which there is responsibility under international law". This is a fundamental principle of State conduct which gives contemporary

international law a new and definitive tone. However, this principle is not just a theoretical pronouncement but establishes a duty, namely that of refraining from any illegitimate use of armed force and from propaganda for wars of aggression.

The principle of the non-use of armed force in international relations supports another substantive norm governing international relations and adopted by the General Assembly, which stated that "The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal".

Therefore, Israel's retention by force of the Arab territories occupied since 1967 is an illegal act. Consequently, it is the inescapable duty of Israel to return those territories to their legitimate owners, the Arab peoples. This is a basic condition for peace in the Middle East. Fulfilment of this obligation by Israel must be required by the United Nations and supported by all the States of the international community. The restoration of the Arab territories is an inalienable right and the withdrawal of the Israeli forces of occupation must, undoubtedly, permit the Palestinian people to exercise its right to self-determination and to organize as a sovereign State in a specific territory.

The principle of non-violence in international relations and of the non-use of armed force except in the case of self-defence has been violated by Israel with the bombing and destruction of the Tamuz nuclear power plant in Iraq. The reaction of international public opinion to this act has been unanimous and there has been widespread condemnation of the Israeli military action. Israel is under an obligation to refrain from such acts of force and to assume responsibility for the reparations due as a result of those illegal acts of unjustified force.

Linked with the prohibition of war and of the threat or use of armed force in relations between States is the principle of peaceful settlement of disputes. This is a norm proclaimed by international law and the Charter as a duty to be faithfully observed by all States. This duty involves peaceful endorsement of the rights of the Palestinian people which must be implemented by the world organization responsible for peace and security. Consequently, it is the legal duty of all United Nations organs to contribute to the peaceful recognition of the inalienable rights of the Palestinian people in accordance with the principles of justice.

On the other hand, the persistence of a conflict situation which endangers international and security makes a timely, peaceful and effective resolution by the United Nations a necessity and a duty.

This is the situation of the Palestinian people. A situation which endangers international peace and security is a matter which lies outside the exclusive competence of any one of the parties and concerns all States and the international community as a whole. In other words, a situation which affects international peace and security, such as that of Palestine, is a matter of general interest and places on the United Nations and its competent organs an inescapable responsibility to resolve it in accordance with the principles of the Charter. Israel's attitude in refusing any negotiation on the rights of the Palestinian people gives rise to this serious conflict situation which, in the terms of the Charter, presents a threat to peace and security. Accordingly, it is the inescapable obligation of the United Nations to intervene and endeavour to resolve the case by all the means available to it, in accordance with the norms of international law.

The right of the Palestinian people to peaceful and just settlement of the situation affecting it implies full recognition of its legitimate claims and, in particular, its right to self-determination, an end to the occupation of the territories retained by force and the full exercise of the human rights of the Palestinian inhabitants in the territories occupied by Israel, among other basic aspects of their inalienable rights; and, as the use of armed force by Israel contravenes the international duty to resolve such disputes peacefully, consequent Israeli responsibilities arise at the international level.

Although any dispute must be resolved by peaceful means, it is inadmissible that without the participation of the Palestinian people, acts should be performed, measures adopted and negotiations entered into which directly or indirectly affect their rights and their future. The responsibility borne by the United Nations and all Member States should lead to a greater effort to solve pending problems and achieve a just and lasting peace in the region in accordance with the Charter and international law. This goal cannot be achieved through partial agreements, which constitute a violation of the rights of the Palestinian people. The legal personality of the Palestinian people, its historic destiny and its inalienable rights belong exclusively and sovereignly to that people and cannot be controlled by foreign Powers which are defending their own political and economic interests and their international prestige rather than the rights of the Palestinian people. Consequently, the negotiation of any agreement making it possible to resolve the conflict situation in the region requires the direct participation of representatives of the Palestinian people, identified today as the PLO, which has been described as the sole entity competent to speak on behalf of that people.

Lastly, Israel's reiterated position on maintaining and increasing settlements in the occupied territories militates against the peaceful resolution of the existing conflict situation. This position signifies the inadmissible intention of bringing such territories under Israeli sovereignty, in violation of the Charter and international law.

The norms of contemporary international law establish an international guarantee for human rights. Human rights are not a gracious concession by any State or Government but pre-existing values

which are inherent in the personality of the individual and which establish inalienable rights enjoyed by all human beings, without discrimination of any kind. This international guarantee must be implemented through timely and effective action by the competent organs established by the international community.

In accordance with the principles set forth in the United Nations Charter, freedom, justice and peace in the world are based on recognition of the inherent dignity of all members of the human family and their equal and inalienable rights. No State can escape or reject the obligation to promote and observe universal and effective respect for human rights and freedoms. Accordingly, the Palestinian people have inalienable rights in this area and, consequently, Israel has the inescapable duty to respect the human rights of all Palestinians. Violation of the human rights of the Palestinian inhabitants cannot be justified by any reason or pretext. The international community, through the United Nations, must ensure the exercise of the human rights of the Palestinians and adopt the necessary measures to ensure that they are respected despite the conflict situation in the region which has given rise to tensions and confrontations.

In particular, certain measures and practices proclaimed and implemented by Israel affect the human rights of the population of the occupied territories. For example, the acts of the Government of Israel aimed at changing the legal status, geographical character and demographic composition of these territories involve violations of the fundamental rights of the Palestinian people.

Among the most frequently denounced of these violations, we may mention the following.

Every human being, everywhere, has the right to recognition of his legal personality, in accordance with the norms on which human rights are based. The Universal Declaration of Human Rights 2/ and the International Covenant on Civil and Political Rights 3/ embody this principle and establish it as a norm to be respected by all States. The acts committed in the Arab territories occupied by Israel and the practices followed, which have been denounced on various occasions in the General Assembly of the United Nations, involve disregard of this fundamental principle of human rights. Similar disregard has been shown for the right to the protection which society and States owe to the family, to the Palestinian family, since the family is a natural and fundamental element of the community. Thus, displacement, deportation, exile, the uprooting and removal of Arab inhabitants of the occupied territories and denial of their right of return constitute clear violations of this right. These denounced acts also constitute a breach of the immutable norm set forth in the Universal Declaration of Human Rights, which provides that no one shall be subjected to arbitrary interference in his privacy, family or home and that, on the contrary, all have a right to due protection against such interference or attacks. The measures aiming at the elimination of the purely Arab municipal and social organizations in the occupied territories and the expulsion of their Arab leaders also constitute illegal acts.

Article 17 of the Universal Declaration of Human Rights states that everyone has the right to own property alone as well as in association with others and that no one shall be arbitrarily deprived of his property. The confiscation and expropriation of private and public Arab property in the occupied territories and all the other transactions for the acquisition of land between the Israeli authorities, institutions or nationals, on the one hand, and the inhabitants or institutions of the occupied territories, on the other, constitute a violation of this principle. The destruction and demolition of Arab houses by the Israeli authorities and the exploitation of the natural wealth and resources of the occupied territories, which are the patrimony of the Palestinian and Arab people, also violate this fundamental norm. The United Nations General Assembly has condemned these acts.

The right to life is one of the essential rights of every human being and should be protected by the authorities and by States. All individuals have a right to liberty and security. The frequent bombardments and armed attacks carried out by Israel against nuclei of Palestinian inhabitants and Arab populations run directly counter to the principle of the right of every individual to life and security, as laid down in the principal instruments which proclaim and establish human rights as a mandatory norm of conduct for all nations.

Various charges of mass arrests, administrative detentions, ill-treatment of the Arab population and torture of detained persons have been brought before the United Nations General Assembly. These acts are condemned by human rights legislation, which lays down that no one shall be subjected to torture, hardship or cruel, inhuman or degrading treatment and that every person deprived of liberty shall be treated humanely and with the respect due to the dignity inherent in all human beings.

The restrictions on freedom of religion and religious practices, which have also been denounced, violate the principle of human rights which guarantees every person freedom of thought, conscience and religion. This right includes freedom to hold or adopt the religion or belief of choice, as well as freedom to manifest one's religion or belief, either alone or in community with others and in public or in private, in teaching, practice, worship and observance.

The attack on and destruction of the archaeological and cultural patrimony of Palestinian and Arabs, which has also been denounced in the United Nations General Assembly, violate the right of ethnic, religious or linguistic communities to have their own cultural life, to profess and practice their own religion and to use their own language. Acts contrary to this norm must be severely censured, and Israel must be prevailed upon by all means to respect the ethnic, religious and linguistic values of Arabs and Palestinians.

The Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1/ signed on 12 August 1949, lays down norms of positive international law which must mandatorily be respected by all States, in good faith and unconditionally. The continual and persistent violation of this Convention by

Israel, which has been denounced, is a fact which affects Israel's obligations with regard to the rights of the Palestinian people and the international community in general. No reason or pretext can serve as a basis for evading the obligation to respect the Geneva Convention. Failure to respect this international instrument and other relevant international instruments is a direct breach of essential norms of human rights.

It is the duty of the United Nations and all Member States, in accordance with the Charter and the resolutions of the General Assembly, to prevent the principles of international coexistence from being violated and the Middle East situation from continuing to affect world peace and security. They have the corresponding duty to assist in the defence and preservation of the rights of the Palestinian people and to adopt the most appropriate and timely measures so that the peoples of this region may live in peace, practice mutual respect, abandon violence and act within the framework of the norms of international law. This is a constant, urgent, inescapable and transcendent responsibility of the United Nations and all Member States.

Notes

1/ United Nations, Treaty Series, vol. 75, No. 973.

2/ Resolution 217 A (III).

3/ Resolution 2200 A (XXI).

F. THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

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An examination of the rights of the Palestinian people of the West Bank and Gaza and how those rights are being denied by the Israeli occupation authorities

The West Bank and the Gaza Strip are those areas of Palestine that remained in Arab hands after the 1948 Arab-Israeli war. In 1967 they were conquered by Israeli forces and are now known as the occupied territories. Together they form slightly less than one quarter of the area of Palestine and they have a combined population of about 1.3 million people.

The purpose of this paper is to concentrate on the inhabitants of the occupied territories who form about a third of the Palestinian people, to discuss what rights the latter should be enjoying in its homeland, and to describe the methods used by the Israeli military occupation authorities in order to prevent it from exercising those rights.

There can be no doubt that the occupied territories belong to the Palestinian people and to nobody else. Whether it has been ruled by the Ottoman Empire, the British Empire or the Israelis, the population has consisted almost entirely of Palestinian Arabs. Even today, after years of Zionist colonization, the population of the West Bank is still 97 per cent Palestinian. Moreover, in the United Nations partition plan of 1947, both the West Bank and the Gaza Strip were included in the area designated for the proposed Arab State. Thus, if the United Nations plan is cited as the legal basis for Israel's existence, then it can just as well be cited as the legal basis for a Palestinian State in an area that includes the occupied territories.

It is important to realize that Israel's occupation of these areas is very different from other occupations elsewhere in the world. Whatever arguments are put forward by Zionist apologists about security considerations, the prime motive of Israel's continued occupation is not strategic but colonialist.

The Israeli Government no longer pretends, as it used to when the Labour Party was in power, that its army is in the West Bank in order to protect the country from military attack. The Government of Mr. Begin has made it absolutely clear over the last four years that its principal objective is to take over large areas of the West Bank and to settle them with Jewish colonists.

Of all the activities of the Israeli authorities in the occupied territories, it is the creation of these colonies, or settlements, which most clearly illustrates how the rights of the Palestinians are being denied. There is no country in the world that supports this colonialist policy, although the position of the United States is usually ambiguous. Moreover, it is forbidden by the Fourth Geneva Convention of 1949 (of which Israel is a signatory), which declares that an occupier "shall not transfer parts of its population into the territory that it occupies".

The great colonization drive began in 1968 when a series of military settlements were established along the Jordan Valley. Once they had been built and prepared for civilians, they were handed

over to settlers from the National Religious Party and other political groups. All these settlements and the ones that followed throughout Gaza and the West Bank were built on land owned by the Jordanian Government or on land belonging to nearby Arab villages. The Israeli Government pretends that only Jordanian state land is used but it is difficult to find a single settlement that has not taken property belonging to an Arab village.

The confiscation of village land naturally undermines the local Arab economy. In some cases it destroys it altogether. When the Israelis established the settlement of Mehola at the northern end of the Jordan Valley, not only did they take 375 acres of land from the nearby village of Bardala; they also positioned their water tank directly above that of Bardala so that the villagers had no water at all except at the time of the spring rains. Similar behaviour ruined the economic life of the village of Rafidia near Bethlehem. The village lands used to consist of some 800 acres from which more than two thirds of the labour force earned their living. In 1973 about 700 acres were expropriated and handed on to the settlement of Tekoa and almost all the villagers lost their livelihood. Today they are part of the thousands who have to commute to Israel in search of work.

There are more than 70 Israeli settlements in the West Bank today. Another 50 are spread over Gaza, the Syrian Golan Heights and northern Sinai. They have been established on about 1,000 acres of Arab land and contain 95,000 settlers, most of whom are living in the annexed area of Jerusalem. In the agricultural areas of the West Bank, some 18,000 settlers are farming about 70,000 acres of land confiscated for the most part from the villages of the Jordan Valley and the regions of Bethlehem and Hebron. Adding these figures to the hundreds of thousands of acres taken by the Israelis for so-called security reasons, it can be seen that more than one third of the total area of the West Bank has been expropriated by the Israelis.

The Israelis claim that the land is underpopulated and that no harm is being done to anyone. Even leaving aside the villagers who have lost much of their property, this is a ridiculous assertion. In the West Bank today there are more than 300,000 refugees; in Jordan there are more than a million, many of whom are West Bank residents who fled in 1967. Surely, if the West Bank really was underpopulated, then the spare land should be used to accommodate those whose original homes have long been absorbed by Israel? It is clear evidence of Israel's complete denial of Palestinian rights that the Zionists, who in 1948 seized more than three quarters of the land of Palestine, should now be busily colonizing the meager remnant still left for the Palestinians.

The West Bank has no minerals and, apart from land, only one major resource: water. The area provides some 620 million cubic metres a year, which would be ample if they were all used inside the West Bank. From drillings inside Israel itself, however, 500 million of these are taken and used in Israel. Even the remaining 120 million are not left to the Palestinians, since an estimated 27 million are siphoned off for the settlements. In other words, each colonist receives about 1,500 cubic metres of West Bank water or about 12 times as much as each Arab, who receives about 124 cubic metres. Moreover, while the Israelis have drilled a large number of wells in the West Bank since 1967 and enjoy the use of others belonging to refugees, not one Arab has been allowed to drill a single irrigation well in the last 14 years.

As Paul Quiring, who made a study of the subject during three and a half years in Jerusalem as representative of the Mennonite Central Committee, has reported: "This lack of water resource development, together with the confiscation of wells on 'absentee' property, means that there are fewer wells for Palestinian agriculture in the Jordan valley today than were available on the eve of the 1967 war."

Israeli colonization also takes place in the Gaza Strip, a narrow stretch of coast running for 40 miles down to the pre-1967 Egyptian border. Gaza was the only other fragment of Palestine to survive 1948 and it too was taken in 1967. It is wretchedly poor and overcrowded, crammed with more than 350,000 refugees as well as the native population. Standards of living are low and the camps are some of the worst anywhere. The refugees, who come from Jaffa and Beersheba, live in squalid huts mass-produced by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. About 200,000 people live in the vast camps of Jabalia, Rafah, Beach and Khan Younis, most of them without prospects of employment or anything else.

After 1948, Gaza was administered by the Egyptians and its capture by Israel in 1967 cut it off both from Egypt and from the rest of the Arab world. This has made Gaza even more economically dependent on Israel than the West Bank, though its exploitation is managed in much the same way. The Gaza citrus industry, for example, is prevented from competing with Israeli growers. Usually the Gaza farmers sell their fruit to the Islamic Republic of Iran, Eastern Europe and the Gulf States, while the Israelis reserve for themselves the more lucrative markets in the West. In 1979, however, the Islamic Republic of Iran decided not to buy the three and a half million cases of Valencia oranges that Gaza normally exports. So the Israeli Citrus Marketing Board decided to sell the fruit through its own network. This piece of altruism disguised the real purpose behind the action which, according to the deputy director of the Board, was "to prevent uncontrolled competition with Israeli-grown fruit". As the Board well understood, the Gaza orange ripens a month earlier than the Israeli Shamouti and would compete with it in the West European export market. But the citrus grower in Gaza faces worse problems than this. Like the West Bank farmers who are prevented from drilling wells, the people of Gaza are not allowed to plant fruit trees. From the Israeli point of view they are inconvenient enough as it is, so no more may be planted. Even if it is a case of replacing a single dead tree, the farmer will have to get a permit from the Military Governor.

Employment opportunities in Gaza are even more limited than on the West Bank and so tens of thousands of refugees leave their camps each day before dawn to assemble at one of the labour markets near the border where they hope to be employed for the day by Israeli employers. From 4 a.m. the latter arrive - market gardeners and building contractors mostly - and the bargaining begins. The markets are crowded with people of all ages and there are hundreds of children, aged 12 and over, who are eager for work. Many employers prefer them because they are cheaper and easier to handle. Child labour is of course illegal in Israel and the Youth Employment Law of 1953 stipulates that "one may not employ a child under 16 years of

age". But nobody does anything about it. There are no policemen patrolling the labour markets and no inspectors from the Labour Ministry. Obviously the children have neither insurance nor social security and, since their day's wages are very low, they are considerably cheaper to hire than adult labourers and about 10 times cheaper than an Israeli worker.

There are 26 settlements in the strip and in the Rafah salient to the south, many less than in the West Bank, but the area is so miserable and so overpopulated that they are obtrusive. They are still being established with the maximum degree of publicity and provocation. A site is chosen, the Israeli army moves in, barbed wire is erected and the flag is flown from the nearest piece of high ground. Over the following months concrete buildings are put up and the land is levelled by army bulldozers. Finally the planting begins and the greenhouses are erected. These colonies, smart and streamlined, inhabited by people who have no right of any sort to the land, make an unpleasant contrast with the wretched refugees in their shacks outside, separated from the colonists by great walls of barbed wire.

Although Israel has ruled the occupied territories for 14 years now and has made it clear that it has no intention of leaving them, the only area it has formally annexed is East Jerusalem. This annexation, which took place shortly after the 1967 war, was of course illegal and was condemned as such by the international community. A week after annexation, the General Assembly of the United Nations adopted a resolution calling "upon Israel to rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem". Not a single nation voted against this resolution except of course Israel and not a single delegate spoke in support of Israel's annexation. The Israelis replied the Jerusalem must never again be a divided city and insisted that the benefits of the so-called unification would be spread evenly over all sections of the population. During the years that followed, it was difficult to see much evident of this. Even the Jewish Mayor of the city (the Arab Mayor of the Old City was expelled to Jordan) regretted "the hard and sometimes offensive Israeli attitude" and criticized his Government's "complete lack of consideration" which the Mayor himself might have done something about, in the field of housing: while tens of thousands of new apartments were built for Jewish settlers on the outskirts of Jerusalem, nothing was done for the Arab inhabitants who live in overcrowded conditions inside the Old City.

Not until 1979, 12 years after the start of the occupation, was the first Arab housing built - a collection of two-room houses near Bethany.

In the years following the 1967 war, the Israelis expropriated some 30 acres of buildings inside the Old City on the site of the traditional Jewish quarter. Even before 1948 the area was less than 20 per cent Jewish owned but this did not prevent the Israelis from taking it all and forcing more than 5,000 Arabs from their homes in the process. Outside the walls the confiscations were on a grander scale: during the first five years of the occupation, nearly 4,000 acres of Arab land were expropriated in Arab Jerusalem. During the last 14 years, about 25,000 acres in the East Jerusalem region have been taken for Jewish building sites and nearly 80,000 settlers are now living on Arab lands in the annexed area.

No people could have been expected to tolerate such constant abuse of its rights and the Palestinians have tenaciously opposed the occupation. The oppression to which Israel has resorted in order to extinguish any sort of resistance, civilian or military, to its rule, has been documented by, among others, the International Committee of the Red Cross (ICRC), Amnesty International, The Sunday Times of London, the United States National Lawyers' Guild, the Israeli League for Civil and Human Rights and the United Nations Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The conclusions that these organizations arrived at indicate that the Palestinians under occupation possess not even the most elementary democratic rights. As Michael Adams, a British writer and former correspondent of the Guardian in Beirut, has written:

"Palestinians in the occupied territories have enjoyed since 1967 no rights and no representative institutions. There is no authority to which they can appeal, no protection which they can invoke. Their every movement and action is subject to the arbitrary authority of the Israeli Military Governor. They can be detained, imprisoned, deported without the intervention of any tribunal. Their houses and property may be destroyed, their lands confiscated, their crops burned and their trees cut down."

Israeli oppression is directed against various targets. Individuals who are considered political obstacles to the occupation are as vulnerable as those suspected of military activities. But it does not stop at individuals because the Israeli Government is a firm believer in the principle of collective punishment. As practised in the West Bank and Gaza, this means that the inhabitants of houses, villages or even towns can be punished because of the activities of one man over whom they have no control. Recently development funds for Nablus were blocked because the town's mayor had held a conference with the mayor of Hebron against the orders of the Military Governor.

One of the most popular forms of collective punishment is the curfew, which can be imposed without warning on towns, villages or refugee camps. If a couple of schoolchildren are caught throwing stones at army vehicles, the Israeli authorities are likely to impose a 22 or 23 hour a day curfew lasting for two or three weeks on all the inhabitants of the camp or village where they come from.

A more drastic form of collective punishment is the demolition of houses. The President of the Israeli League for Civil and Human Rights has revealed that during the first four years of the occupation, 16,312 homes were destroyed by Israeli forces for so-called security reasons. The Israelis do not pretend that all these houses belonged to terrorists. As long as they are owned or rented by relatives of suspected terrorists, then they can be considered far game for the army bulldozers. And invariably, the demolition takes place before the suspect is brought to trial.

The logic behind these forms of retribution hardly needs clarification. The policy is simple and ruthless, clearly designed to make the Palestinian population realize that it is going to suffer more than

the Israelis if violent resistance continues. The aims of Israel's other policies are equally clear: the deportation of hundreds of West Bank leaders and interference with the area's education system are methods calculated to prevent the emergence of an articulate nationalist leadership. To this end, schools, training centres and universities are subjected to regular harassment by the army and many of them are periodically closed down. Last year, scores of schoolchildren demonstrating against this interference in their schools were shot and wounded by Israeli soldiers.

Bir Zeit University near Ramallah is the best university in the region and the oldest Arab institution of higher education on either bank of the River Jordan. Yet, although it has high educational standards, it does not confine its activities to academic work. It plays a central part in West Bank life, seeing itself as a focal point for Palestinian aspirations and it takes its community work seriously. It has a literacy programme consisting of 12 centres in the West Bank and Gaza and undertakes a large amount of similar work such as courses for teachers and school-building projects in the refugee camps. The Israeli authorities naturally find Bir Zeit a highly inconvenient institution and regard it as a centre of subversion and terrorism - although not a single faculty member has ever been found guilty of any "security" offence. Since 1973, the university has been subjected to constant interference. Its teachers' course has been permanently closed down, its president deported, its lecturers refused work permits and planning permission for its new buildings rejected. On several occasions, army units have stormed the campus, beaten up large numbers of students and confiscated several hundred identity cards.

Bir Zeit's President, Dr. Hanna Nasir, was one of 1,160 Palestinians deported from the West Bank and Gaza between 1967 and 1980. Compared with the mass expulsions during the 1948 and 1967 wars, it is not a high number yet it includes large numbers of the most prominent Arab leaders in the territories - teachers, doctors, lawyers, journalists, students, etc. Among the 54 deportees from Jerusalem are the Mayor, the President of the Islamic Council, a former Foreign Minister of Jordan, a trade union leader, and the Director of the Maqasid Islamic Charities Hospital. Politicians are among the most favoured candidates for expulsion.

The Mayors of Ramallah, Bira, Hebron, and Halful have all been deported. Two days before nominations closed for the municipal elections of April 1976, candidates for the mayorship of Hebron and the Bira council were expelled to Lebanon while their appeals to the courts against their deportation were still pending. It is a tragic fact that nearly all the mayors of the West Bank's larger towns have either been expelled from their homeland or have been the victims of assassination attempts by Israeli terrorists.

In this manner Israel manages to eliminate the Palestinian leadership in the occupied territories. Behind this policy stands the same reasoning that advocates collective punishment. If enough people are punished - even if they are completely innocent and have never been accused of a particular crime - then the others will be discouraged from any kind of criticism of the occupation. The aim is to cripple the leadership and to dampen any feelings of nationalism. As a policy, it may be added, this has been a total failure for nationalism in the West Bank is infinitely stronger today than it was a decade ago.

There is one further method of oppression that must be mentioned and that is the practice of torture. Incidents of torture are of course difficult to prove since they rarely involve witnesses whose testimony is likely to be accepted. Although there is not enough time here to discuss all the allegations of torture made against the Israelis or to comment on the Israeli denials, it should be pointed out that a number of impartial bodies have produced evidence indicating that torture is frequently used against the Arabs of the occupied territories. These include The Sunday Times of London, Amnesty International, the United States National Lawyers' Guild and ICRC. As The Sunday Times insight team reported in the summer of 1977: "Israeli interrogators routinely ill-treat and often torture Arab prisoners ... Prisoners are often hooded, blindfolded, or hung by their wrists for long periods. Many are sexually assaulted. Others are given electric shocks".

Israeli apologists often repeat the well-known cliché that its rule in the occupied territories constitutes "the most benevolent occupation in history". It is difficult to see how anybody could be taken in by this claim. One only has to go to the West Bank and Gaza to see how the rights of their inhabitants are being systematically denied by the occupation authorities. For so-called security or other reasons, an Arab can be deported or arrested and held without trial; his home can be destroyed and his children shot at.

But for him, perhaps the most puzzling thing of all is that fact that land that his family have farmed for generations can be taken from him simply in order to allow Jewish emigrants from the United States and elsewhere to live on it.

G. AN ANALYSIS OF THE LEGAL STRUCTURE OF ISRAELI SETTLEMENTS IN THE OCCUPIED WEST BANK OF JORDAN

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Introduction

Purpose and objective

In this paper, it is my aim to examine the legal structure of the settlements established on the West Bank using the military orders on this subject passed by the General Commander of the West Bank. The choice of turning the settlements into local councils is examined in the light of the law that existed at the

time of the British Mandate over Palestine, Jordanian law and the provisions of the Camp David agreement. A comparison is then made between the law applicable to the Arab municipalities and the regulations governing the administration of the Jewish local councils in the West Bank. The relationship between the local councils and the Military Government of the West Bank and the State of Israel and its laws is explained. The main sources of this paper are the ordinances passed during the time of the Mandate, Jordanian laws, Israeli laws and the military orders and regulations passed by the Military Commander of the West Bank.

I have not discussed here the legality of the Jewish settlements because a discussion of this was given in the paper entitled "A juridical analysis of the Israeli settlements in the occupied territories" presented by Mrs. Sally Mallison at the Seminar held at Vienna from 25 to 29 August 1980 (see sect. II F above).

Part one

A. The period of the British Mandate

It was the fulfilment of the terms of the Mandate, that is the establishment of a national home for the Jews, that was expected to determine the policy and legislation of the Government of the British Mandatary in Palestine during the years 1922 to 1948. This is clearly borne out by the reports of the United Kingdom submitted to the League of Nations throughout the years of the Mandate. Article 2 of the Mandate runs as follows:

"The Mandatary shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil rights of all the inhabitants of Palestine, irrespective of race and religion."

Towards that end, the Land Transfer Ordinance of 1920 was passed. Its purpose was to give the Government the power to control land acquisition to ensure that lands in areas designated for Jews did not get transferred to Arabs. Also in furtherance of the policy of allowing a degree of self-rule for the Arab and Jewish communities in the areas where they constituted the majority as a preparation for the realization of the terms of the Mandate, the Mandatary Government embarked on a series of amendments to ordinances concerning local government.

A new Municipalities Ordinance was passed in 1934. 1/ Amongst its objects and reasons, as explained while the bill was in progress, were the following:

"2. The bill provides that the municipalities existing at the present time and the township of Tel Aviv shall become municipalities and the High Commissioner is given power, after consulting the views of the public concerned, to establish more municipalities or to abolish municipalities or to vary the existing municipal limits.

"3. The bill provides that the affairs of municipal corporations shall be managed by elected councils, elected by direct election. The qualifications of electors are the same as the present qualifications except that community rolls have been abolished. The High Commissioner is however given power on the representation of a council to change the qualifications of electors. The object of this provision is to meet the great difficulty which is experienced in providing a method of election satisfactory to all elections.

"4. The High Commissioner is given power at his discretion when it appears to him necessary in the interest of good government to nominate not more than two councillors to the municipalities of Jerusalem and Haifa. The object of this is to provide for the representation of elements of the population - such as foreign communities - which might not otherwise be adequately represented.

"5. The bill contemplates that councillors will ordinarily be elected for the whole of the municipal area but the High Commissioner is given power when it appears to him desirable to divide a municipal area into divisions for the purpose of elections. This is intended to facilitate the holding of elections in certain areas such as Jerusalem and Haifa possessing a mixed population".

The Municipalities Ordinance of 1934 declared all the towns mentioned in its appendix to be municipalities. The list includes 234 municipalities. Another appendix to the ordinance makes special provision for election of councillors for the municipality of Tel Aviv. The most important of these is that, whereas for the 22 other municipalities the candidate must be a male, holder of Palestinian citizenship, of at least 30 years of age, for the Tel Aviv Municipal Council, the only conditions are that candidates be at least 25 years old, that their permanent place of residence be within the municipal area and that they have paid all taxes and rates due to the Council during the past 12 months. No provision as to sex or possession of Palestinian citizenship is stipulated.

Then in 1941, the Local Councils Ordinance was passed. 2/ It repealed the previous ordinances on the same subject while declaring in article 13 that all local councils constituted by any order made under the previous ordinances would continue in existence. The list of these councils under the previous ordinances includes Arab and Jewish local councils.

An important addition in the ordinance of 1941 was made in article 2 (1) whereby the High

Commissioner was empowered, on the recommendation of the District Commissioner, to declare by order not only that any village, or group of villages, would be administered by a local council, but that any area might also be so administered. This is an important addition and was presumably made to enable the High Commission to declare a Jewish area falling within or outside a town populated by an Arab majority and administered by a municipality elected by the majority of a local council, thereby giving the Jews there the power to administer themselves and thus facilitating their independent development. Then in 1944, the Village Administration Ordinance was passed 3/ which defined a village as "an area which has been or which may hereafter be declared to be a village or tribal unit under article II of the Palestine Orders in Council, 1922 to 1940. The said article II states that "the High Commissioner may, with the approval of a Secretary of State, by proclamation divide Palestine into administrative divisions or districts in such manner and with such subdivisions as may be convenient for purposes of administration describing the boundaries thereof and assigning names thereto.

The village council, which is responsible for the administration of the village, consists of the mukhtars of the village ex officio in addition to 3 to 12 other members "chosen by such categories of persons ordinarily resident in the village area and in such manner as may from time to time be approved by the District Commissioner". 4/

What in fact happened in Mandated Palestine was that many of the Jewish municipalities and local councils grew often at the expense of the nearby Arab municipalities or local councils. With the establishment in 1948 of the Jewish State, this policy was pursued systematically and the present situation of Jaffa and Tel Aviv is a good example of it. Whereas Jaffa before 1948 was a flourishing seaport and the bigger municipality with Tel Aviv considered in size and importance as a mere Jewish suburb, the situation now is reversed: Jaffa has become the suburb administered by the greater Tel Aviv Municipal Council.

B. The Jordanian period

The 1948 war eventually led to the control of the West Bank by the Hashemite Kingdom of Jordan. Article 105 (I) of the Jordanian Municipalities Law 5/ declared all previous Ottoman, Jordanian and Palestinian laws dealing with municipalities and local councils repealed, provided that "all municipalities and local councils existing at the date of the coming into force of this law shall be considered municipal councils by virtue of the provisions of this law and shall continue to carry out their functions until replaced by municipal councils elected in accordance with the provisions of these laws".

It is clear therefore that the administrative unit, the local council, ceased to exist in the West Bank under the Jordanian regime. The only administrative unit that remained in addition to municipalities was the village.

The Law for the Administration of Villages (No. 5) of 1954 defined a village as "any place which the Minister of Interior declares in the Official Gazette to be a village or a tribal unit".

The Jordanian Government did not have to deal with the existence of any minority group of non-Arabs and had no mandate to facilitate the creation of any State for the Palestinians or any other group so the local government laws were simplified to provide for only the above-mentioned two units to administer populated areas.

C. The Israeli occupation

After 1967, the settlement of Jews in the West Bank started. The priority however was for settlement of the enlarged East Jerusalem area. But since Jerusalem was annexed to Israel and Israeli law therefore applied to the settled areas, no change to the law in force in the West Bank was necessary.

In fact, despite the gradually increasing settlement of Jews in the West Bank, the major changes in the law were only made on 25 March 1979.

The legislation previous to that date consisted only of a few military orders declaring the creation of what were called "religious councils" for the administration of specific settlements and regulations for their administration such as Order No. 561 of 1974 for the administration of Kiryat Arba settlement. The most important post-1979 orders that were passed by the military government of the West Bank on the subject of the settlements are Order No. 783 (of 25 March 1979) and Order No. 892 (of March 1981). The former provided for the creation in the West Bank of regional councils defined as follows: "Any one of the settlements listed in the appendix to the order which is given the name appearing in the appendix ...". 6/ Article 2 of the Order states that the administration of a regional council shall be in accordance with the manner in which the area commander shall decide in regulations.

Subsection (b) of article 2 states that no regulation passed by virtue of the above shall detract from any law or security regulation unless specifically so stated (or unless stated clearly in any other order or regulation). This subsection was later repealed by Order No. 806 dated 30 September 1979.

It is noteworthy that, although military orders are eventually published in very restricted numbers in what are called volumes of Proclamations, Orders and Appointments; such regulations for the administration of settlements as are mentioned above are not published in these volumes. Volume No. 45, for example, which is the most recent and which was published on 24 September 1980, includes Order No. 783 but not the regulation for the administration of regional councils made by virtue of it. Article 149 of the basic regulations, passed by virtue of Order No. 892, states that these regulations shall be published (a) by

posting them on the notice board in the offices of the council and (b) in the collection of the council's regulations.

Of course, the general Arab public has no access to the Council's offices or its books, which means that these regulations will be unavailable to the general public. It also means that whenever the General Commander of the West Bank prefers that a certain order be immune from public security, he can call it a regulation and declare that its manner of publication be in the manner mentioned above.

The second major legislation on the settlements is Order No. 892 on the administration of local councils, dated 1 March 1981. By virtue of article 2 (a) of this order, regulations were passed setting out the rules for the administration of local councils, the provisions of which I shall analyse and comment on at length later on in this paper.

It is clear from what has been mentioned above that the administrative units, regional and local councils did not exist under Jordanian law and that a change in Jordanian law, the law in force in the West Bank, was necessary in order to create such units. It is also interesting to observe that the same policy, with of course the adjustment necessitated by the different conditions and realities, as was pursued by the Mandatary Government, seems to be the guiding policy of the Israeli Government in its administration of the West Bank. Local councils are created to administer areas populated by Jews and are given more powers and more facilities for development, as the analysis below will show, than the municipal councils administering areas populated by Arabs. The goal seems to be that the former become the dominant units and the Tel Aviv/Jaffa situation be repeated so that eventually, as Arab Jaffa was incorporated into Jewish Tel Aviv, so would the Beit Eil local council incorporate Ramallah.

It is perhaps this objective and long-term policy that determined the choice of creating for the settlements a new administrative unit that did not exist before under Jordanian law rather than using the already existing units - the villages or municipalities. The present structure enables the Military Government to legislate independently for Jewish and Arab areas. It is well known that extensive changes (at present the number of military orders is 920) have been made to Jordanian law. The likelihood is that this practice will not stop. However, these changes are selective and are determined by the policy that the Israeli Government wishes to pursue on the West Bank. Therefore, the Municipality Law, with one exception which will be discussed below (Order No. 631, which empowered municipalities to establish municipal courts), has not been changed to give more powers to the municipal councils. On the contrary, whenever possible, changes in the law are made or directives or regulations are issued to decrease the power and the ability of the council to operate and implement plans for the development of the areas for which it is responsible. A recent example of this is the enforcement of restrictions on municipalities without an approved town planning scheme to issue building permits and the transfer of this power to the Higher Town Planning Council constituted exclusively of Israeli officials. Not so with the Jewish areas, the regional and local councils. The powers already given to them by virtue of the orders and regulations analysed below are already extensive and there is no limit to or restriction on making new changes extending them as the need arises. Had both communities been subject to the same administrative unit, and therefore to the same laws and orders, then whatever changes are made to the legislation in force affecting one would affect the fate and conditions of both communities. As things have been organized now, the separate and ambitious development plans intended for the settlements proceed independently of the nearby Arab communities.

D. The post-Camp David period

It is not accidental that all the legislation affecting the settlements and the increased thrust of settlement activities began only in March 1979 after almost 12 years of occupation. The date of the signing of the Framework for Peace in the Middle East agreed at Camp David was 5 September 1978. Some of the provisions affecting the West Bank in the agreement did not at all please those who had already settled in the West Bank and those intending to do so.

It is perhaps not too far-fetched to suggest that the activities and legislation in the West Bank, which followed the signing of the agreement, indicate the intentions which the Israeli negotiators had in mind when they negotiated the wording of the agreement and agreed to sign it as presently worded.

It is not accidental that only in article 1 is the expression "Palestinian people" used. Elsewhere in sections A.1 (a), (c), (c) 1, (c) 2, etc., the reference is to the 'inhabitants of the territories (i.e., the West Bank). The clarification acknowledged in President Carter's letter to Prime Minister Begin on 22 September reads, "in each paragraph of the agreed framework document the expressions 'Palestine' or 'Palestinian people' are being and will be construed and understood by you as Palestinian Arabs". No clarification is sought or given about the expression "inhabitants of the territories". Does it refer to Arab inhabitants or any inhabitants, Arab or Jewish?

Obviously without clarification it will mean what it stands for, i.e., any inhabitant, whether Arab or Jewish. This choice of expression was therefore made carefully and the activities ensuing after the agreement made it clear what the intention was and what the result of the implementation of the provisions of the Camp David agreement will really mean to the Jewish settlers in the West Bank.

Even the limited powers that the Camp David agreement provide for the Palestinian Arabs will, under the newly created reality which Israel has been busy creating and because of the careful wording of the Camp David agreement, have to be shared by the Jewish and Arab inhabitants of the area. The concentrated activities aimed at creating more settlements and bringing more Jews to live in them while changing the legislation to facilitate their independence and growth were intensified after Camp David.

Although at present the Arabs constitute the majority of the inhabitants of the West Bank there is no assurance that the elections for the self-governing authority envisaged under the Camp David agreement will proceed on the basis of proportional representation rather than on a regional basis. If the latter is the method then in view of the large number of settlements already established, Jewish representation in that authority will be substantial. In this way the limited concessions Israel seemed to be making in the Camp David agreement will have been forfeited.

Part two

A. The Jordanian Municipalities Law

It is important to point out, before analysing the Jordanian Municipalities Law, that all the powers vested by that law in the King, the Council of Ministers, the Ministers of Interior and Finance, have been vested by virtue of Military Orders 194 and 236 in the hands of the "person responsible" who is appointed by the Commander of the West Bank. As will be seen later, the Military Commander also appoints a "person responsible" who has certain powers according to the regulations applicable to the local councils.

It will be clear from the survey below that Jordanian law has vested ultimate authority in many areas affecting municipalities in government ministers. Whereas these powers are now enjoyed by the "person responsible", who is appointed by and serves the military Government that is responsible for the creation of the settlements on the West Bank, it is to be expected that he will use his power to ensure that the growth and development of the municipalities do not jeopardize that of the settlements. In practice he uses his authority, wherever possible, to limit and discourage the growth of these Arab centres. All this of course is contrary to how his counterpart relates to the local councils, whose establishment and development is the policy of the Government he serves. Unlike the case with the Arab inhabitants, Jewish settlers have direct access to the legislator in the military Government. They are therefore able to bring about the best conditions for their development even when this is at the expense of the nearby Arab centres.

The Jordanian Municipalities Law of 1955, which replaced the 1954 law, specifies in article 5 how a new municipality may be created. The article states that if the majority of the inhabitants of a village wish to create a municipality in the village, a group of them may submit a petition to this effect to the District Commissioner (a function that has been abolished by the military authorities) who must then submit it with his observations to the Minister of the Interior. Since this function is now performed by an officer of the Israeli army, why then did the military authorities decide to turn the settlements not into municipalities but rather into local councils?

A justification for the choice could be based on the provision in Jordanian law which stipulates that the candidates must, amongst other things, be Jordanian male citizens. 7/ However this can easily be rebutted by pointing out that the military authorities have already amended this article by removing the condition as to sex, giving the franchise to women. They could have made a further change and eliminated the condition that the candidates and electorate must be Jordanian citizens. It is clear, therefore, that it was not any legislative difficulty that determined the choice of turning the settlements into local councils rather than municipalities. Nor is the reason the independence of the municipal councils from the military authorities. As has been mentioned above, Jordanian law gives more power to the Government than the powers which the regulations for the administration of local councils, which were made by the military authorities, leave for the Commander of the area or the person appointed by him to be the "person responsible".

The more likely reason for the choice seems to be the desirability to have separate administrative nits for Arabs and for Jews to permit separate and independent legislations and policies for growth and development.

B. A comparison between the Municipalities Law and the regulations for the administration of local councils

For the purpose of establishing local councils, Military Order No. 892 concerning the administration of local councils was promulgated on 1 March 1981.

The Order defines a local council as any one of the settlements mentioned in its appendix, the boundaries which are shown by the black line on the map signed by the Area Commander. In article 2, it states that local councils shall be administered in accordance with principles laid down by the Area Commander in regulations. The Area Commander may, for the proper administration of a local council, establish courts for the affairs of the council and he shall determine the jurisdiction of the court, the law which it shall apply, its constitution as well as any other necessary matter for the proper administration of the court (art. 2(b)). Article 5 states that nothing in this order or in the regulation to be made by virtue thereof contravenes any law or security regulation unless there is a provision in the orders or regulations which clearly contradicts this. As to the publication of the regulation, it is to be done in the manner which the Area Commander shall specify.

The regulations for the administration of local councils are also dated 1 March 1981. Following is a comparison between the provisions of these regulations and the Jordanian Municipality Law.

The first thing that is striking is the length of the regulations. They consist of 152 sections as compared to the 65 sections in the Jordanian Law. They are therefore the longest single piece of legislation produced by the West Bank military Government authorities during the 14 years of occupation.

The Jordanian law, as has been mentioned above, gives the Council of Ministers and the Minister of Interior important powers over the municipal council. The Council of Ministers, on the recommendation of the Minister of Interior, may dismiss a mayor if he is convinced that this serves the interest of the municipality. His decision is final and is not subject to any form of appeal. 8/ Similarly, the Minister of Interior, with the agreement of the Council of Ministers, may appoint in addition to the elected members, two members to any municipal council and "these two members shall enjoy all the rights of the elected members". 9/ No similar powers are given to any official in the military Government by virtue of the regulations.

Both the municipalities and the local councils are juridical bodies. 10/ Both councils are empowered to administer the affairs of their areas and to exercise the powers mentioned in section 68 of the regulations and 41 of the Law, which are compared below. However, unlike the municipal council, the local council has the power to appoint committees for the execution of certain functions.

1. Functions

The municipal council has the power over such areas and functions as roads, buildings (this now has to be looked upon in the light of the new regulations restricting the granting of licences by the municipal council in its capacity as local town planning authority, reference to which has been made in above), water, electricity, gas, sewage, crafts and industries, health, cleanliness, public places, parks, etc.; in all the list encompasses 39 areas. Some of these powers are similar to the powers given to the local council. 11/ It is also empowered to administer, implement and establish services, projects and institutions which the council believes are important for the welfare of the inhabitants living within its area. 12/ It is also empowered to oversee the development of the local council, the improvement of life in it and the development of the financial, social and educational affairs of its inhabitants or any sector of them. 13/ It can also organize, restrict, or prevent the establishment or administration of any service, project, public institution or any other organization, craft work or industry of any kind. 14/ It is also empowered to oversee irrigation, pastures, soil preservation and any other matter of agricultural significance provided that it is administered for the benefit of the various farmers within the area of the local council. 15/ The council may establish any corporation, cooperative or any other organization for the execution of any of its functions and buy shares in it. 16/ It is also empowered to prepare facilities for emergencies and to operate them in time of emergency including the organization of rationing and provision of the necessary services. 17/ The council is also empowered to give certificates and issue licenses for any of the matters included within its powers.

The council administering a local council may, according to article 88 of the regulations, with the agreement of the "person responsible", make regulations concerning any matter over which the council has jurisdiction. By article 93 these regulations shall be considered as security legislation issued by the Area Commander. They shall be published by posting on the notice board in the offices of the council and in other public places within the area of the local council or in any other way the council shall decide. Municipal councils on the other hand may make regulations only after a decision to this effect is taken by the Council of Ministers with the agreement of the King.

2. Taxes

A local council may, with the agreement of the "person responsible", impose taxes called "arnona", membership fees and other obligatory payment. 18/ The council is empowered to impose any additions on the arnona after publishing a notice to this effect in the area of the local council. The council may reduce the tax or fine for late payment taking into consideration the financial situation of those on whom it is levied or for any other reason to which the "person responsible" agrees. 20/

A municipal council, on the other hand, may impose taxes on vegetables and fruits for sale in the market, or for any of the other matters mentioned among its powers in article 41 of the Municipalities Law, the amount and percentage of which is determined in regulations issued by the council with the agreement of the Council of Ministers. 21/

3. Finances

A municipal council may borrow money only after obtaining the loan agreement of the Minister of Interior, who will consider who the lender is and the purpose for which the fund is to be used. 22/ It is on the basis of this article that many municipalities in the West Bank are prevented from collecting money contributed to them from Palestinians outside.

Property tax payable to the municipality is collected by the Ministry of Finance 23/ and the customs authority collects customs duties on combustible liquids according to percentages specified in the law. 24/ By virtue of article 52, all funds collected for the municipalities by the Ministry of Finance are kept in trust for the municipalities and distributed in the percentage which the Council of Ministers, on the recommendation of the Minister of Interior, decides according to the criteria mentioned in article 52(2), provided that some of these funds may be allocated to finance other matters.

The yearly budget drawn up by the municipality is acted upon after it is approved by the Council

and authorized by the Minister of Interior. 25/
"person responsible" for its yearly budget. 26/
for borrowing money or receiving contributions. 27/

Similarly, a local council needs the approval of the
However, a local council does not need to get approval

The accountant who inspects the finances of the municipalities is decided upon by the Council of Ministers. However, a local council appoints its own accountant. Also, the Minister of Interior, with the agreement of the Council of Ministers, publishes regulations as to the proper administration of the municipalities' financial matters. A local council, however, has the discretion to administer its own finances without any interference. Regulations are made for the municipalities as to tenders, the purchase of material and all other financial matters. A local council decides these matters without interference except when the sale involves a monopoly or a concession.

Chapter 16 of the regulations mentions powers that the Area Commander and the "person responsible" has in special cases. These include interference in the administration of the local council if they see that the council is failing to carry out any of its function under the Regulations or under a security order. In case of emergency and when there is no possibility for convening the council to take a decision that needs to be taken by the council in session, the "person responsible" may order the head of the council to take any action in accordance with the regulations if he deems that the prompt execution of such action is necessary for the safety of the members of the council. The Area Commander may also appoint a new council if it has been proven to him that the council does not carry out its duties according to the Regulations or that there are financial misdealings. But he can do this only after he has warned the council and it did not take heed of his notice.

Part three

A. The settlements' court system

By article 125 of the regulations, a Court of First Instance and a Court of Appeals are established for the local councils. The Court of First Instance has jurisdiction to look into any act committed contrary to the regulations, violations of any regulations made by virtue of the regulations and any violation committed within the local council against any law or order mentioned in the appendix to the regulations. The Court is empowered to impose any penalty specified in the regulations, in the regulations made thereby, and in the laws and orders mentioned in the appendix 28/ except for violations of election rules mentioned in part 3 of the regulations.

The regulations, as they stood on 1 March 1981, mentioned only the Jordanian Law of Town Planning in the appendix. However, as is clear from the above, more laws can be added and these need not be Jordanian laws because the regulations do not restrict the court's jurisdiction to look into violations of Jordanian laws but says "any law mentioned in the appendix". In view of the provision in the regulations that states that this or any other regulations made by virtue of it or in any other way need not be published except in the offices of the local council, it is possible that the jurisdiction of the court might be enlarged without the knowledge of anyone outside the settlement.

The judges of the settlements' courts are appointed by the Area Commander. 29/ Judges for the Court of First Instance are appointed from among magistrate judges, and for the Appeals Court, from amongst judges of the District Court. 30/ Whereas the juridical system in the West Bank does have District Courts, the implication is that the choice will be from among Israeli District Court judges.

It is important to note here that no connection is made between the West Bank judicial system and the system of settlements' courts. For the West Bank, the Minister of Justice has been replaced by the officer in the Israeli army in charge of the judiciary. Judges for West Bank courts are chosen by a committee composed of military officers of whom no mention is made in the regulations, where the choice of the settlements' judges is left to the Area Commander. And although no formal connection with the Israeli judicial system is established, no judges would be from amongst judges chosen in accordance with Israeli laws to serve in Israeli courts.

As with judges, the Area Commander also chooses the public prosecutor. 31/ The Appeals Court sits anywhere the Area Commander designates. 32/

The procedure and the rules of evidence that the Appeals Court applies are those applied in Israeli courts. The Court also has all the powers held by an Israeli Magistrate Court as regards subpoena of witnesses and any other matter related to the hearing of a criminal case. Similarly the Appeals Court has all the powers of an Israeli District Court in Israel when it convenes as an Appeals Court. Furthermore, the Court has all the powers given to military courts when it looks into the violations of laws and orders mentioned in the appendix. 33/

The Court may impose fines that are paid to the treasury of the local council. 34/ If a fine is not paid the Court may sentence the violator with actual imprisonment for up to one month. It is natural to ask how the Court will execute its judgements. Will it use the West Bank execution departments and police or the Israeli or will it have its own? But this is not the only question which the regulations leave unanswered. What categories of people does the Court have jurisdiction over? If a Palestinian is brought to appear before it, can he deny its jurisdiction over him and claim that only a local Arab court has that right? And when does the military court have jurisdiction over violators of military orders if these orders are mentioned in the appendix to the regulations? From the wording of the regulations, it is possible for the settlements' courts to assume the powers of the military courts, which implies that the

settlers are not only given autonomy but also power over the local Arab Palestinian population.

B. The municipal courts

Until January 1976, municipalities had no courts nor did Jordanian law give them the power to establish any. By Order No. 631, however, municipal courts were established. To date only the Bethlehem Municipality has applied in accordance with the Order and has acquired a municipal court of its own.

According to Order No. 631, as amended by Order No. 713 of 10 June 1977, the officer-in-charge of the judiciary is responsible for the municipal courts. 35/ The judges for the court are appointed by the officer from amongst magistrate judges who serve in West Bank courts. 36/ No Appeals Court may be established and the court's decisions are appealable through the West Bank Court of Appeals. 37/ The court shall apply the rules of procedure and evidence applicable in criminal cases in Magistrate Courts. 38/ The court shall have jurisdiction to hear violations against the regulations of the municipality and any violations committed within the area of the municipality that are listed in the appendix, which includes nine laws. The municipality is empowered to execute judgements issued by its court. Although the municipality is empowered to appoint from amongst its employees the officers of the court, 39/ these employees are responsible to the officer-in-charge of the judiciary who may issue instructions to the municipality to change any officer or to cancel his appointment. He may also appoint any employee of the West Bank Ministry of Justice to the court. 40/

Part four

Defence of the settlements

A number of related orders need to be discussed when considering the powers and functions of a local council. There are the orders dealing with what is called "the defence of villages". These orders are modelled after the Israeli law of 1961: the Local Authorities Regulation of Guard Service Law. 41/ This Law defines in its preamble "the officer-in-charge of the guard service" as a person whom the Brigadier-in-Command or a person empowered by him has appointed to be the officer-in-charge of the guard service, provided that where the guard service is in the hands of the police, the Brigadier-in-Command shall empower the person responsible on behalf of the police for the guard service. "Guard service" is defined to include exercises and any activity which, in the opinion of the officer-in-charge of the guard service, is required for protecting the security of the inhabitants of a settlement or their property and "local authority" is defined as a municipality or a local council. Article 2 of the Israeli law states that "the Minister of the Interior may, after consultation with the Minister of Defence, impose, by order, the duty of guard service on the inhabitants of any settlement or settlements...".

The connection with Israeli law does not stop at the level of providing a model for the military orders on the same subject. Article II of Order No. 432 of 1 June 1971, the first of the orders passed by the West Bank military commander concerning guard duty, provides that whoever is injured while performing guard service shall be considered as one who has been injured during performance of guard service in accordance with the above-mentioned Israeli law. This direct reference and application of an Israeli law is one of the first to be made in the military proclamations in force in the West Bank.

Order No. 432 defines a village (in Hebrew "Yeshuv" means any Jewish populated centre, large or small) as one which was established after 1967. Where only settlements have been established after 1967, the Order clearly refers to settlements. Defence is defined as training or any other activity deemed necessary by the person appointed by military commander of the West Bank as the officer responsible under the Order. The officer is empowered by the Order to impose upon every settler the duty to defend the settlement. He is also empowered to appoint an authority to carry out the defence. Order 669 amended the definition of a resident in Order No. 432 to include "whoever lives in village and is registered as a resident in its registers whether he was from the West Bank or from Israel and who does not carry out guard duty in any other village". The Order also determined the age of the person eligible for guard duty as from 18 to 60 and provided that whenever guard duty is imposed on a person, he shall be presumed to be eligible as long as he has not proven otherwise in the way that shall be provided by the Order. A fine is imposed on a person who refuse to carry out the guard duty. Order No. 817 empowers the director, who is defined in the Order as "whoever has been appointed director of guard duty according to Order 432" to oblige pupils of an institution (defined as a kindergarten, elementary school, junior high school, field school, advanced education institution, children's vacation enterprise, boarding school, youth and sports cultural centre, institution of higher education, yeshiva or any other institution in which education is provided), aged over 16 to do guard duty as well as the pupils' parents, the principal of the institution, the teachers and workers. 42/ A director may also oblige the parents whose children are at an institution to do guard duty. In special circumstances, the director may order that an institution be guarded by paid policemen. 43/ If the director believes that facilities must be installed in the institution for its protection, he may, with the consent of the police, order the institution's owners to install them.

Order No. 844 of 18 June 1980 increased the number of hours of guard duty per person to 6 hours per week unless the director orders that the number of hours be increased to 10 per week for 30 days. An increase above 10 hours needs the approval of the Area Commander.

A fifth amendment to the original Order 44/ substantially increased the powers of the settlers. Article 3 of Order No. 898 empowers them:

(a) To oblige any person whom the settlers have any reason to suspect of having committed any offence contrary to any military order to show them his identification card;

(b) To arrest any person whose identity has not been proven and to transfer him to the nearest police station;

(c) To arrest any person without a warrant:

(i) If he commits before him a felony punishable by five years' imprisonment or if he has any basis which makes him believe that a person has of late committed a misdemeanour or a felony punishable by the military orders with five years' imprisonment; or

(ii) If he saw him in suspect circumstance taking precautionary measures to disguise himself without being able to give any reasonable explanation of his actions.

A person who arrests another in the above circumstances must hand him to the police as soon as possible. Anyone refusing to obey the orders of the settlers will be considered as one contravening the military order on security of 1970.

Appended to the Order is the format of the card which the settlers will be issued. The above powers are printed on the card.

As with all the other 921 military orders already in force in the West Bank, the power to interpret the provisions of this order are vested in the military courts.

It has been common practice for the settlers to exceed their powers of guard duty and interfere with the Arab inhabitants of the West Bank. There have been many reported incidents when they have set up and manned roadblocks, searched passers-by, attacked nearby villages and made the villagers' lives intolerable.

Two reservists were quoted in the Israeli English-language newspaper, The Jerusalem Post as saying after Jewish student settlers from the local yeshiva and from Kiryat Arba in Hebron manned the army checkpoint alongside them, "This is the first time and the last time we will serve in this area". The settlers had joined them at the checkpoint because they said they preferred to defend themselves after the incident in Hebron where several of them were killed.

With the orders for the defence of the settlements promulgated, the organizations of the military territorial defence system of Jewish settlers serving in the West Bank into organic military units stationed in their own areas under their own command has been completed.

Conclusion

Several conclusions can be drawn from the foregoing discussion of the ordinances, laws and orders.

The first is that the Israeli Government, in planning its settlement policy in the West Bank, is being guided by policies and legislation of the British Government Mandatary.

The second is that there is a clear violation of international law evidenced by the changes that have been made and continue to be made to Jordanian law to create the appropriate legal changes to fulfil the settlement policies.

The third is that an important consideration seems to be to create separate legal structures for Jewish settlements distinct from the existing Arab structures, the advantage of this being that it facilitates separate legislation and policies.

The fourth is that complex and elaborate structures have already been created and the legislation creating them gives them wide powers including the right to establish and run a court system, a limited power to legislate and a system of defence.

The fifth is that the system that has been established links the settlements with the military administration. The relationship to Israel is indirect. However, Israeli law in some instances is made to apply to the settlements and in other instances is used as a model on the basis of which military orders are made by the Commander-General such as is the case with the order on defence.

Finally, with the legal structure of the settlement network in the occupied territories having been completed, the foundations have been laid for the implementation of the policy which has been evident for several years. This policy is to facilitate and encourage in every way the development and growth of the settlements and discourage and retard the growth and development of the Arab municipalities and villages. The direction matters seem to be taking for the future of Jewish-Arab relations on the West Bank is a version of the South African apartheid or separate development policy. In that the reality and conditions

differ, so does the extent of the similarity. However, enough parallels exist in the nature of the problem facing the South African Government and the Israeli Government and in the nature of the two systems and to some extent the practices of the two Governments to support a conclusion that strong similarities exist, which by all indications are bound to increase in time.

Notes

- 1/ Palestine Gazette (Arabic) supplement 1, No. 414, 12 January 1934.
- 2/ Palestine Gazette (English) supplement 2, No. 1154, 18 December 1941.
- 3/ Palestine Gazette supplement 1, No. 1352, 17 August 1944, p. 49.
- 4/ Ibid., art. 5.
- 5/ Jordanian Official Gazette, 1954, p. 433. This law has now been repealed and replaced by the 1955 law but the matters discussed here were not affected.
- 6/ The definition given by this order was amended twice by Orders 806 of 30 September 1979 and 848 of 15 June 1980. In each case, the definition was changed to increase its ambit.
- 7/ Municipalities Law, 1955, arts. 12 and 18.
- 8/ Ibid., art. 34 (3), as amended in 1960.
- 9/ Ibid., art. 27.
- 10/ Art. 3 (3) of the Municipalities Law and article 67 of the regulations.
- 11/ Art. 68 (3) of the regulations.
- 12/ Ibid., art. 68 (1).
- 13/ Ibid., art. 68 (2).
- 14/ Ibid., art. 68 (6).
- 15/ Ibid., arts. 68 (11) and (12).
- 16/ Ibid., art. 68 (13).
- 17/ Ibid., art. 68 (14).
- 18/ Ibid., art. 76.
- 19/ Ibid., art. 81 (b).
- 20/ Ibid., art. 87.
- 21/ Municipalities Law, art. 41 (c), as amended in 1956.
- 22/ Ibid., art. 45.
- 23/ Ibid., art. 47.
- 24/ Ibid., art. 49.
- 25/ Ibid., art. 56 (1).
- 26/ Regulations, art. 97 (c).
- 27/ Ibid., art. 101.

- 28 / Ibid., art. 126 (a).
- 29 / Ibid., art. 127 (a).
- 30 / Ibid., art. 127 (d).
- 31 / Ibid., art. 131.
- 32 / Ibid., art. 128 (a).
- 33 / Ibid., art. 134.
- 34 / Ibid., art. 137.
- 35 / Military Order No. 713, art. 1.
- 36 / Ibid., art. 4 (a).
- 37 / Ibid., art. 10.
- 38 / Ibid., art. 8.
- 39 / Ibid., art. 12 (a).
- 40 / Ibid., art. 15 (b).
- 41 / Sefer H-Chukkum, No. 346, 13 June 1961, p. 169.
- 42 / Military Order No. 817, art. 2.
- 43 / Ibid., art. 7.
- 44 / Military Order No. 898.

H. THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

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Social, economic, cultural and political rights are the fundamental rights of man; it is not possible to speak of human freedom and dignity if they cannot be fully exercised. The interests in health, education, work, culture and self-determination are inherent to the very nature of man, therefore they are human rights, mankind's inalienable rights.

It is an indispensable requisite for the full exercise of man's inalienable rights that freedom to enjoy those rights should exist in a free society in the spirit enshrined in the Charter of the United Nations when it speaks of "faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

When we speak of human dignity and the fundamental rights of man, our thoughts immediately go to the population in the Palestinian occupied territories, to the refugee camps in Beirut and in the south of Lebanon, and we remember the words of former Cuban President Osvaldo Dorticós Torrado at the Punta del Este Conference in Argentina in 1960, "catalogues exist of human rights, they are repeated, they serve for the more or less usual architecture of a speech in an international forum", and we wonder until when the crime against humanity will continue, systematically and with premeditation, perpetrated against the Palestinian people for their extermination by the terrorist regime of Israel, which day after day tramples upon the "existing catalogue of human rights" of the Palestinian people.

Paradoxically, the leaders of that regime which practises international state terrorism has the pretension to be, and actually proclaims itself, the representative of the Jewish people, who during the Second World War suffered the systematic persecution, murder, humiliation and annihilation of their best representatives, the workers, artisans, peasants and honest intellectuals, for the big Jewish money-brokers and magnates did not go to concentration camps and gas chambers.

At the time, the free peoples of the world, the progressive strata and the working class in every

country raised their voices and closed ranks to fight fascism. That crime made mankind feel ashamed and show solidarity with the suffering of the Jewish people. Imperialism, in connivance with Zionist circles, took advantage of the favourable climate that prevailed in the international community in order to find a solution to the Jewish issue, and so the State of Israel was brought into existence.

The reactionary circles of imperialism and zionism, conspiring since the previous century, had plotted the creation of a State which would serve as a retaining wall for the liberation of the peoples in the Middle East.

"If Palestine were to fall within the sphere of influence of Great Britain and if Great Britain were to promote a Jewish feeling there, as a British dependence, in 20 or 30 years we could have a million Jews and perhaps more. They would develop the country, bring civilization to it again and would form a very effective guard for the Suez Canal. If, on the other hand, we were there, we could, at least, control the Arab nationalist movement."

In its role of gendarme in the region to contain the Arab nationalist movement, Israel has applied a punitive policy of international terrorism, in repeated flagrant violation of the United Nations Charter and the Universal Declaration of Human Rights.

The inalienable rights that the Palestinian people are forcibly prevented from exercising by the Zionists not only are disregarded by the latter but this also constitutes an attack on the basic foundations of international relations, human coexistence and the principles of international public law. Article 6 of the Charter of the United Nations establishes that any Member may be expelled from the Organization if the principles agreed upon by the nations and contained in the Charter that governs the United Nations are persistently violated.

Israel fulfills all the requirements for the application of Article 6 of the Charter but this has not been possible despite the consensus of the majority of the international community owing to the veto used by the United States to protect what it has created, just as it does with zionism's twin brother, the racist South African regime.

Since 1948, Israel has repeatedly deprived the Palestinian people of its right to self-determination, an indispensable premise for the full exercise of the other human rights. A people who cannot freely determine its own destiny are legally prevented from fully enjoying the other rights. But not only legally; they are also morally, politically, philosophically and religiously deprived of their rights, as well as in the fields of economy, aesthetics and science; i.e., civilization itself is affected and the very essence of a people's culture is attacked, trodden underfoot and torn to pieces when that people is prevented from exercising self-determination.

In 1948, Israel carried out military operations against the Palestinian people, occupying territories that belonged to that nation by force and later through the "willing sale of those territories by the Palestinians". Thus began the colonial settlement policy and a "legal" body within the context of the illegal occupation was created by enactment of the following legal instruments, among others:

1. Act of property over the assets of absentees (it refers to the expropriation of lands and real estate of those evicted by force;
2. Act of acquisition of lands of public interest (in Israeli legal and political jargon: "Public interest" means any territory useful for the establishment of military bases, security, observation and posts for military control over the civilian population or for Jewish settlements), thus creating the legal order of the terrorist principle of plunder and pillage.

"Thou shalt not steal" is a tenet of the Hebrew religious doctrine formulated at a time when the prophets condemned the corruption, robbery and usury of the ruling class - the merchants - and which provoked the words of Amos: "You who turn law into absinthe and despise justice. Woe to them that lie upon beds of ivory and store up violence and robbery in their palaces". But the Zionist leadership of the current terrorist State of Israel is alien to the spirit that inspired those prophets and, going against the course of history, insists on creating the conditions for the annexation of the territories occupied in the Palestinian homeland.

On Independence Day this year, Prime Minister Menachem Begin reiterated his position that "there is no way of conceiving peace if our people is not absolutely free to establish settlements ... the establishment of settlements in the occupied territories responds to the spirit of zionism". Whom does Begin call "people"? To the militant settlers of the fanatic Gush Emunim sect who recently occupied central areas in the city of Hebron, destroyed 150 cars that belonged to the Arab inhabitants, who murder Palestinians, burn down their homes, rape their women, destroy their crops, burn down schools and beat up students, with the support of the "Green Berets" and other repressive corps.

According to studies made and testimonies received by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, since 1967, the military government of occupation has confiscated, "purchased" and expropriated more than 970 square kilometres, which amount to 16 per cent of the area of Jordan's West Bank.

The Special Committee has known of countless cases of dispossession of land, personal and real property carried out by the military government of occupation and Jewish settlers in the occupied territories

of the northern sector of the Gaza Strip, the Tubas area, Deir Istiya, Al Khadr, Majdal Bani Fadil, Mount Eibal facing Nablus and Jaaba in the Jenin area, among other villages and towns, through punitive actions characterized by the use of force, economic coercion or psychological pressure.

The expropriation and acquisition of land and the authorization for Israeli citizens to obtain lands in the occupied Palestinian homeland constitute a violation of the Fourth Geneva Convention, which sets forth the obligation of the occupying Power to refrain from adopting any measure modifying the status of the occupied territories.

The annexation of territories by Israel was condemned by General Assembly resolution 33/113 of 18 December 1978. Israeli settlements in occupied territories have been declared without legal validity by Security Council resolution 452 (1979) of 20 July 1979. The annexation of occupied territories, the establishment of new Israeli settlements and the maltreatment of the civilian population constitute flagrant violations of the following articles, among others, of the 1949 Geneva Convention:

Article 33

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

"Pillage is prohibited.

"Reprisals against protected persons and their property are prohibited."

Article 47

"Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention ...".

Article 49

"... The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies."

Article 53

"Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons... is prohibited ...".

The right of return to the homeland and the right to self-determination are consubstantial with the right to create an independent Palestinian State.

In their eagerness to annihilate the Palestinian people and to prevent refugees outside occupied territories from returning to their homeland, the terrorist regime of the State of Israel has engaged in the demolition of homes, schools and personal and real property, as well as the destruction of crops and water sources so as to create highly critical de facto conditions that will both discourage the psychological tendency to return and create the repressive machinery to prevent it physically, in addition to "legal" instruments within illegality, as we have said earlier.

The Palestinian people's right to return to its territories is contained in General Assembly resolution 3236 (XXIX) which affirms the "right of the Palestinians to return to their homes and property from which they have been displaced", and this right was reaffirmed by the General Assembly itself in resolution 34/52 when it proclaimed the inalienable right of all displaced inhabitants to return to their homes in territories occupied by Israel since 1967.

The United Nations Commission on Human Rights, in resolution 2 (XXXVII) speaks of "the inalienable right of the Palestinian people to self-determination without external interference and the establishment of a fully independent and sovereign State in Palestine".

As may be appreciated, the majority of the nations in the highest international body have spoken out in favour of recognition of the Palestinian people's full enjoyment of its inalienable right. The letter and the spirit of those instruments express the principles that govern relations among peoples and international cooperation, enunciated in resolution 1815 (XXV) of the United Nations General Assembly, i.e.:

1. Abstention from threat or the use of force;
2. The resolution of disputes through peaceful means;
3. The obligation of non-intervention;
4. The obligation of States to cooperate with each other;

5. The principle of the equality of rights and self-determination of peoples;
6. The principle of the sovereign equality of States;
7. Fulfilment in good faith of obligations.

All these principles have been violated by the Zionist regime and have prevented the Palestinians by force from the free exercise thereof.

We do not, of course, expect the terrorist Israeli regime to comply with principles whose implementation would eliminate the threat of war and create favourable conditions for a lasting peace. The Zionist regime is part of the imperialist system, practices colonialism and, by its very nature, bases its principles on the philosophy of dispossession and war. Let the terrorist conduct based on that philosophic conception cease, and there will be peace in the Middle East.

Article 2 of General Assembly resolution 1514 (XV) of 15 December 1960 states that all peoples have a right of self-determination and that by virtue of this right they freely decide their political status and pursue their economic, social and cultural development.

At the thirty-sixth session of the Commission on Human Rights, held from 14 February to 14 March 1980, some speakers said that the enjoyment of economic, social and cultural rights was one of the essential elements of the efforts to ensure the exercise of all human rights.

One cannot speak of human rights in the Palestinian territories occupied by Israel, where the policy of establishing settlements breaks up traditional communities and has as its aim control over agricultural lands, water resources and electric power, to the detriment of living and labour conditions and obliging farmers who have lost their lands to work irregularly in Israel. A third of the water intended for irrigation purposes has been diverted to Israeli settlements.

Every year, an average of 20,000 people, for the most part individuals with technical and professional qualifications, have been forced to migrate to neighbouring Arab countries or elsewhere because they have been unable to find work in Israel or local areas. The lowest rungs of the labour ladder are for the Palestinians, a fact which constitutes a discriminatory policy.

The presence - by force - of a foreign population, whose religion and culture are different, provokes constant tension between Jewish settlers and the Palestinian population, extending even to gross provocations such as the entry of Jewish rabbis into Moslem mosques with their shoes on.

Continuous expropriation and confiscation, the demolition of homes, the destruction of Arab farms through defoliation and the destruction of trees with bulldozers have forced their Arab owners to abandon their lands and leave them to be confiscated and alienated by Jewish settlers, provoking a universal sense of insecurity.

It is undeniable that the "occupation of the land by force seriously affects the physical, mental and social welfare of the population in the occupied territories, which can only be remedied by putting an end to such occupation". The "expulsion and deportation of medical and paramedical personnel from the occupied territories, leading to the deterioration of the sanitary situation and health services in those territories", is part of the terrorist policy of the State of Israel and violates the principles proclaimed by the World Health Organization in the sense that "health is a state of complete physical, mental and social well-being and not just the absence of illness and disease".

It is this conduct of the Zionist Israeli State that qualifies it as an active practitioner of international state terrorism. The implementation of extreme measures of repression and violence as a means of class domination and their inclusion in a programme with well-defined objectives, i.e., the control of the population in question through fear induced by acts of destruction, so as to inhibit their political actions, is based on a principle of behaviourist psychology which states that large doses of fear produce inhibition both at the individual and at the collective level within a group.

The testimony of rebelling Israeli soldiers and officers to Israeli deputy Uri Avnery of the Sheli Party reveals how they had received orders from their senior officer on entering a Palestinian village in Transjordan to "beat up anyone found outside the house, hit them anywhere except on the head. Do not be afraid, break their bones. Hit first, explain afterwards. If you catch a child, make the family come out, heat up the father in front of the children. It is an order. They do not understand any other language. At the slightest incident (commotion, stone-throwing, producing a Palestinian flag), attack and hit them mercilessly, not covertly but in front of everybody so fear will hold sway."

During the first months of 1980, in the fields of Jalazoum near Ramallah and Dehezchah, south of Bethlehem, for many days curfew was instituted, systematic searches were held and all the men from 15 to 60 years of age were assembled and were left for nights on end in the rain and the cold, submitting them to all sorts of humiliations.

Through terror, cruelty, systematic crime, confiscation, displacement, insufficient medical aid,

psychological coercion, physical aggression (torture), irregularities in the labour structure, the closing up of schools and universities, the expulsion and deportation of professors, censorship of Palestinian textbooks, the imposition of high taxes on textbooks in the Arab language from neighbouring countries, as well as by obstructing the development of the Palestinian people's own culture, Israel has totally disregarded the provisions of resolution 1514 (XV), article 2, of 15 December 1960, which states that all peoples have a right to self-determination and that by virtue of this right they freely decide their political status and pursue their economic, social and cultural development.

Recent information indicates that the Zionist regime is determined to annihilate the Palestinian people by closing every path to a just peace.

Menachem Begin, the Israeli Prime Minister, on forming his Government recently, has strengthened the positions of the most reactionary elements in his team, as in the case of Ariel Sharon, appointed Minister of Defence who, as Minister of Agriculture directed the settlements policy in the occupied territories and carried out the most brutal repression against the Palestinian refugees so that even the North American news agencies have called this Government "the most conservative in the history of the State of Israel". Thus, Begin's new cabinet is the symbol of repression and expansion and it includes the main proponents of racism, fascism and terrorism.

In his speech before the Knesset (Parliament) on 5 August, Begin stated that the attacks on Lebanon were aimed against the Palestinians and not against the civilian population - trying to establish a new concept of defence within the terrorist logic and principles of zionism, with no regard for the women, children and old people and the Palestinian population in general, as human beings.

In the coalition agreement for the formation of a new government, the Zionist regime clearly defined its concept of autonomy, agreed upon in Camp David, which "is not a state, is not sovereignty, is not self-determination". The coalition agreement plans the strengthening of the Jewish settlements and calls the occupied territories "sectors of our homeland" in a clear declaration of final annexation to which it aspires.

Begin, following zionism's historical line, endorsed the role assigned to Israel by imperialist strategy when he declared that "the free world does not depend on nuclear weapons that cannot be used but on conventional military forces. Israel, with its well-trained army, is ready to help the United States defend Western interests in the Middle East".

Logic and reasoning indicate that it is not possible to speak of peace, or respect for and recognition of the inalienable rights of a people with the representatives of a terrorist State whose bellicose, aggressive and criminal language and conduct are hardly consonant with the Charter of the United Nations and the most elementary principles of international law.

The exercise of the right to self-determination, the return to the homeland, the establishment of an independent State and the restoration of all human rights in turn imply the right to repel the aggression that is being carried out against the Palestinian people in the territories occupied by Israel and in the refugee camps in Lebanon with the declared object of physically exterminating this heroic people and its legitimate representative, the Palestine Liberation Organization (PLO).

The rebellious spirit of the Palestinian people is invincible for it is waging its struggle for national liberation for the retrieval of its national identity and its inalienable rights that have been violated. Palestinian resistance is formed by artisans, workers, peasants, teachers, women and intellectuals, both in the occupied territories and in the refugee camps outside the homeland. This people's guarantee of victory is the PLO, a tough organization forced in an unequal struggle on the material plane, but superior to its enemies on the plane of principles. They will triumph by reason of history.

Oppression will not last forever. Terror and fear will not reign eternally. The awakening of the peoples has become more frightening than anything thought up by their oppressors to subject them to.

One has to be blind not to see it. The greater the internal tyranny is, the greater the imperialist oppression, the greater the rebellion will be, and this rebellion will be invincible. Fidel Castro, in his report to the Second Congress of the Communist Party of Cuba.

As Yasser Arafat stated before the Palestinian Council held this year, "the Palestinian revolution is a liberation movement whose nature is not local but which symbolizes and represents a strategic transformation. It is a revolution with a Palestinian face, an Arab heart and internationalist roots which also has broad contacts and co-operation with the progressive non-Zionist Israeli parties and forces". This allows the Palestinian leader to state that "the Palestinian revolution came to triumph and will win".

Since 1948, Israel's disregard for the principles and mandates of the international community with regard to the inalienable rights of the Palestinian people has been evident.

Nevertheless, the Palestinian people have maintained a position consistent with its objectives of freedom and national independence and, without abandoning its struggle for national liberation, it had, through all the means at its disposal, reaffirmed its adhesion to the spirit of the fundamental principles of contemporary international law on the resolution of disputes by peaceful means. On 20 July 1981, Yasser Arafat, the head of the PLO and leader of the Palestinian resistance, declared: "The Palestinians pursue a just peace, based on the establishment of a Palestinian State and their right to return to their homeland".

Now more than ever, when the war-mongering forces are trying to plunge mankind into the holocaust, the international community must give its active support to the PLO, the Commission on Human Rights and the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, in order to save the Palestinian people suffering and shorten its road to freedom so that it may enjoy the exercise of its inalienable rights.

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I. SOME CONSIDERATIONS ON THE ESTABLISHMENT OF A PALESTINIAN STATE

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In the current century, mankind has seen various conflicts which have caused indescribable suffering: two world wars, which brought civilization to the brink of destruction, numerous conflicts of limited scope and innumerable internal problems of international significance and impact.

The great majority of such conflicts have, however, been resolved more or less definitively. Examples illustrating this statement are the defeat of nazism and fascism, the fall of the great colonial empires and the heroic triumphant epic of the Vietnamese people.

There is, however, one problem which, in spite of its gravity, importance and drama, still remains unresolved, although it has existed for at least 65 years: the so-called Middle East conflict, in which various political, strategic, economic and religious elements are superimposed but whose basic core is determined by the drama of the Palestinian people who are denied the right to self-determination, the right to exist as a nation and the right to build a State like all the other peoples of the world.

The purpose of this paper is to try to demonstrate that the Palestinian people exists as a nation, possesses a territory, has a basic organization and enjoys international support and recognition. That is to say Palestine has all the basic qualifications required by international law for the establishment of a State, a perfectly valid form for the higher organization of a community which the Palestinian people may adopt in the course of the process of its self-determination, should they deem it necessary and appropriate.

Although this paper deals with legal and juridical considerations, I feel it necessary to point

out from the start that the problem has, in my understanding, an eminently political character. By this I mean that the possible resolution of the Middle East conflict and therefore of its central element, the Palestinian problem, lies in the sphere of political science, with all the elements of realism and reciprocal concessions that must be made if an agreement is to be reached between all the parties involved in the current context of the correlation of forces in the international sphere, particularly since the solution cannot come about through the use of force or through the application of legal principles in an international order with imperfect ethical institutions and without the necessary force to ensure execution of its judgements.

The origins of the Palestinian people, descendants of the Canaanites and Philistines, go back more than 5,000 years. In the year 3500 B.C., there were already certain traces of the existence of Palestine as a community and as a people, when the Semites emigrated from the Arabian peninsula to settle in the more fertile and temperate lands bordering the Mediterranean.

In the course of its long history, the Palestinian people had been the object of many foreign invasions and various forms of occupation: Syrians, Babylonians, Persians, Greeks, Romans, Muslims, Christian Crusaders and Turks came successively to dominate Palestine and leave their contribution for the enrichment of the culture of the Palestinian people who are characterized by their cosmopolitanism. There was also a brief historical period during which the Hebrews also passed through Palestine under the leadership of Moses and the later establishment in a part of Palestine of a Hebrew community ruled by King Solomon. The geographical location of Palestine, its territory strategically located like a natural bridge between Africa, Asia and Europe, made it a natural scene of great incursions and invasions, which with time contributed to the formation of a cosmopolitan nation with respect to race and religion, which was also prepared to receive persecuted communities such as Armenians and Kurds. This traditional spirit of tolerance, broadmindedness and ecumenism prevailed in Palestine up to the beginning of the century when, forming part of the Ottoman Empire and governed by the Constitution of Constantinople of 1876, Palestinians, Muslims, Jews and Christians lived in perfect harmony in its territory.

No stage of domination of Palestine has had such serious effects and projections as that which began in 1917 with the Balfour Declaration and which has lasted to this day. As early as 1896, Theodore Herzl, one of the most important ideologues of Zionism, published the book Der Judenstaat (The Jewish State), in which he proposed the establishment of Zionist colonies in the province of Entre Ríos in Argentina or in Palestine to create the embryo of what was to be a future Jewish State; but this proposal encouraged a plan of Zionist emigration to both countries. Later, the main force was concentrated in Palestine because its state of domination by the Turkish Empire offered better political possibilities for the project than Argentina, where an independent Government existed.

Until 1917 then, there clearly existed a Palestinian entity with a specific people who for centuries inhabited a specific territory, i.e., who possessed the two basic attributes of a nation. That entity formed part of the Ottoman Empire which was destroyed at the end of the First World War, when its territory was entrusted as a Mandate to the League of Nations. Article 22 of the Covenant of the League of Nations state that:

"Certain communities formerly belonging to the Turkish Empire have reached such a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatary until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatary."

In 1922, the League of Nations, without consulting the wishes of the Palestinian people, entrusted Great Britain with its Mandate over Palestine, but including the commitment to fulfil the objective of the Declaration of the British Foreign Secretary, Sir Arthur James Balfour, which is the "establishment in Palestine of a national home for the Jewish people". In a memorandum to his Government in August 1919, the same Balfour said: "In Palestine we do not propose even to go through the form of consulting the wishes of the present inhabitants of the country [the Palestinians]". He recognized in the same document that "the four great Powers are committed to Zionism", and stated that "Zionism, be it right or wrong, good or bad, is rooted in age-long traditions, in present needs, in future hopes, of far profounder import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land". From a reading of these expressions, it is clear that the geopolitical project that was beginning with the legal blessing of the League of Nations for the introduction of a new element of powerful foreign occupation into Palestine.

The British Mandate over Palestine lasted 25 years until 1947 when Britain handed over the problem, without resolving it, to the United Nations. During this period, an unprecedented Jewish emigration took place which was intensified towards the end of the 1930s and at the beginning of the 1940s owing to the considerable Nazi persecution of Jews in Europe. During the quarter century of the British Mandate, the population of Jewish origin, which in 1880 had totalled 20,000 and in 1917 rose to 60,000, meaning a 9 per cent increase in the total population of Palestine, and constituted 32 per cent in 1947. In 1917, Jewish-owned land was 2.5 per cent of the total land area in Palestine while in 1947 it was 6.2 per cent. During this period, there were also various uprisings and popular rebellions by the Palestinian people, harshly repressed, in 1920, 1921, 1929, 1933, 1936, 1937 and 1939, against the British occupation and the Zionist invasion, which proves the continuity of the Palestinian people and its unequivocal desire for freedom and independence.

On 29 November 1947, the United Nations General Assembly, by resolution 181 (II), decided on the division or partition of Palestine through the establishment of a Jewish State, to which 50 per cent of the territory of Palestine was assigned, although the Jews represented only 32 per cent of the population; the Palestinian Arab State, whose establishment was never realized; and a territory including the Holy Places of Jerusalem, Bethlehem and the adjacent area, under the direct administration of the United Nations.

On 14 May 1948, the State of Israel was created and immediately there began the war between the Zionist State, which was swiftly recognized by the great Powers, and the neighbouring Arab States. As a result of the war, the new State illegally acquired new territories through the use of force, in violation of legal principles which had, at least since the Briand-Kellogg Pact of 1939, become binding norms of international law forming part of jus cogens, principles of which were later incorporated as substantive norms of binding character in the Charter of the United Nations, when the legally organized international community was established, and according to which conquests of territories obtained through the use of force are null and void, which means that territories thus illegally acquired must be returned. In the 1948 war, Israel acquired up to 77 per cent of the territory of Palestine and occupied the greater part of Jerusalem, a city which, in accordance with the partition resolution, was to be internationalized. As a result of the same war, Jordan and Egypt occupied the rest of the territory of Palestine where, under the United Nations resolution, there was to be established the Arab State of Palestine, which was never constituted and the legal basis for the future establishment of which is here clearly defined. The establishment of a Palestinian State would then be determined by the same legal basis that provides a birth certificate to the State of Israel.

Since this time, the great and painful drama of the Palestinian people has been becoming more acute. Especially since after the 1948 war, more than one half of the native Palestinians were obliged to flee or were expelled. In 1949, there were already 726,000 Palestinian refugees. Thus, at the time of the 1967 war, in which Israel again acquired territory through the illegal use of force, this time taking possession of all the Palestinian territory which had been under the control of Jordan and Egypt and the whole city of Jerusalem, the Palestinian exodus increased by 500,000 additional refugees.

The Palestinian Arabs were not only obliged to leave their country but their property was looted and their lands confiscated. More than 1 million human beings, children, old people and women, were driven to exile by violence and this was one of the most dramatic instances of large-scale violation of human rights and fundamental freedoms. During this period from 1948 to 1968, the Palestinian problem was dealt with as one of refugees and violation of human rights only. It was, starting in 1969, through the adoption of the historic General Assembly resolution 2535 B (XXIV), followed by other resolutions such as 2672 C (XXV) of 1970 and 3236 (XXIX) of 1974, that the problem of Palestine has been dealt with in its just and necessary dimension, namely, that of an eminently political conflict whose root lies in the right of the Palestinian people to self-determination and whose solution depends on the overall settlement of the problem of the Middle East, which has already been the scene of four wars and which today constitutes one of the most serious threats to international peace and security.

It will be argued rightly that the resolutions of the United Nations General Assembly are not mandatory and are mere recommendations. Without embarking in this paper on a detailed study of this complex legal aspect, we would merely point out the importance of the resolutions of the General Assembly as sources of law and recall that it was by virtue of a resolution of the General Assembly, adopted in a specific historical context, that the partition of Palestine took place, a resolution which has the same legal force as those adopted in recent times, when the correlation of forces in the General Assembly has changed as a result of the process of decolonization and in recognition of the right to self-determination of the Palestinian people. Moreover, it is clear that the resolution of the Palestinian problem will not come about through respectable resolutions adopted by more or less broad majorities of the General Assembly and that a real process of political negotiation will have to emerge before the despair of a people unjustly left aside provokes a new conflagration which, because of the factors involved at the present international juncture, will have a broader field of action than the previous wars in the region.

In recent years, there has been a qualitative and quantitative improvement in the struggle and presence of the Palestinian people. Its vital survival activity is being organized through an internal political hierarchy, the Palestine Liberation Organization (PLO); its action is inscribed in the framework of the liberation struggles of the third world; its own identity is clearly nourished by its historic traditions and enriched by the emergence of an ideological thought which combines the Palestinian national spirit with a popular Arab nationalism.

Some conclusions may be drawn from the brief historical summary:

(a) The Palestinian people, as an ethnic and cultural entity, cohesive and having a long historical perspective, has existed for thousands of years. Its presence is even more real and vivid at the present time in as much as the domination, harassment and persecution to which it had been subjected have served as an agglutinating factor to define more clearly its presence and objectives as a nation;

(b) That Palestinian nation has occupied constantly and for thousands of years the territory of Palestine, which has remained distinct and well-defined, despite the many invasions and occupations to which it has been subjected, almost in spite of the partition plan adopted by the United Nations;

(c) The traditional organization of the Palestinian people, which has remained in force throughout the course of its history, has been perfected with the unitarian action which resulted, in the process of the struggle, in the establishment of a true government in exile, the PLO, which has passed from clandestine action to the work of action and representation.

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A discussion of human rights in Palestine differs markedly from a discussion of human rights in most other locations. With respect to Palestine and its people, human rights deprivations form part of a broader deprivation of existence as a nation. Individual deprivation cannot, therefore, be viewed accurately unless considered in the context of the larger deprivation of national existence.

In this respect the people of Palestine are in a situation similar to that of other peoples whose national existence has been threatened - the Irish of Northern Ireland, the native peoples of North America, the people of East Timor. For such groups, each individual violation of human rights carries a significance far beyond a similar act inflicted elsewhere in the world.

In the typical instance of human rights deprivation, a Government that feels weak resorts to cruel methods to suppress opposition. With the people of Palestine, deprivation of their rights similarly reflects the inability of the Government (Israel) to keep the population quiet. But beyond that, it reflects an effort to prevent the population from voicing its aspirations for a national existence that has been taken away from them. Those carrying out the human rights deprivations represent a dominating force imposing its rule on the population.

This phenomenon is seen most clearly with respect to those areas of Palestine taken by Israel in 1967: the West Bank and the Gaza Strip. There, rule is by the military. No pretence is made of the existence of any political order giving the population the right to govern itself. While certain small steps have been taken towards self-government at the level of the municipalities, political power rests with a General who is responsible to the Israeli Minister of Defence. Agents of that General are in turn responsible for the various functions of governmental administration.

A similar system of military rule formerly existed in those parts of Palestine acquired by Zionist forces in 1948. From then until 1966, predominantly Palestinian sectors were run under martial law.

A persistent feature since 1948 of the Zionist administration in Palestine has been an effort to eradicate manifestations of Palestinian national existence. Palestinians have been regarded by the Government of Israel as intruders into a Jewish State. This view has coloured treatment of the Palestinians by Zionist authorities. It has led to second-class status in economic terms, as well as to a complex system of legal rules that accord privileges to Jewish citizens and deny them to Palestinian citizens.

Most prominent in this regard is the land tenure system of Israel, which reserves 93 per cent of the land of acquisition by Jews only, thereby denying it to Palestinians.

Israel was founded in Palestine in 1948 by European Jews (Zionists) as a Jewish State. The primary obstacle to the establishment of a Jewish State in Palestine had been the fact that the country was inhabited by Palestinian Arabs who had lived there for centuries and who, in the early twentieth century, constituted 90 per cent of the population. Immediately following the Second World War, Jews numbered 600,000 in Palestine, while Palestinians numbered 1.3 million.

In order to establish a Jewish State, it was necessary either to rid Palestine of its Palestinians or to institute a political order that would deny them a voice. The King-Crane Commission, appointed by United States President Woodrow Wilson to report to him on Palestine, noted:

"The fact came out repeatedly in the Commission's conference with Jewish representatives, that the Zionists look forward to a practically complete dispossession of the present non-Jewish inhabitants of Palestine, by various forms of purchase." 1/

During 1948, Zionist military forces drove out thousands of Palestinians in groups 2/ and frightened away thousands more by massacring 250 Palestinian civilians in a village (Deir Yassin) near Jerusalem. 3/ Many thousands more left their villages to avoid the warfare then in progress. After Israel's borders became fixed, Israel refused, with minor exceptions, to allow these Palestinians to return.

The Zionist goal of dispossessing the Palestinians was acknowledged by J. Weitz, former head of the Jewish Agency's colonization department, with organized Zionist settlements in Palestine. In 1967 Weitz said that he had noted in his diary in 1940:

"Between ourselves [Zionists] it must be clear that there is no room for both peoples in this country ... We shall not achieve our goal of being an independent people with the Arabs in this small country. The only solution is a Palestine, at least Western Palestine [west of the Jordan River], without Arabs ... And there is no other way than to transfer Arabs from here to the neighbouring countries, to transfer all of them: not one village, not one tribe, should be left ... Only after this transfer will the country be able to absorb the millions of our own brethren. There is no other way out." 4/

By late 1948, about 750,000 Palestinians had been displaced from the area of Palestine that became the State of Israel; 385 vacant Palestinian villages were levelled by the Israeli Government. 5/ Of 370 Jewish villages built from 1948 to 1953, 350 were on land formerly held by Palestinians. 6/ Some Palestinians remained. They now constitute 16 per cent of the population of Israel.

The human rights deprivations visited upon the Palestinians by the Israeli Government cannot be fully appreciated unless understood in one other aspect, that is, that the Palestinians are a third-world people, while the Zionists who rule Israel are European. The Zionists have been able to employ highly developed technology in their efforts to displace and subjugate the Palestinians. That has facilitated economic domination over the Palestinians, a domination that has significantly increased the seriousness of the more traditional forms of human rights deprivations. A major reason, to give one example, for the lack of a strong labour movement in the West Bank and Gaza is that many Palestinians are compelled by economic circumstances to work outside those areas, in Israel. They are thus migrant workers, at a disadvantage in the Israeli labour market. They take the worst jobs and are the first to be fired in times of labour surplus. If they voice opposition, either to conditions of labour or to the political situation, they are in jeopardy of losing their livelihood.

Despite the fact that Israel now comprises more Jews of Middle Eastern than of European origin, the governmental and economic establishment of Israel continues to be dominated by Europeans. 7/ This fact inserts a strong racial element into the human rights situation. A 1980 survey of Israeli Jewish high school students found that 64 per cent believed that Palestinians in Israel did not deserve equal rights. 8/

The deprivation of human right suffered by the Palestinians both in the West Bank and Gaza Strip and in the area occupied in 1948 have been amply documented by international agencies and private human rights organizations. 9/ Most international attention has centred on the West Bank and Gaza since those areas fall under the internationally defined status of military occupation. Recently, however, a series of acts taken by the Government of Israel has brought attention to these Palestinians. 10/ A number of statutes were adopted in 1980 to suppress nationalist efforts by the Palestinians within Israel. Similarly, measures have been taken infringing on the land rights of bedouin Palestinians in the Negev Desert, in particular in connection with construction of a large air base to replace one Israel is losing as a result of its withdrawal from the Sinai Peninsula.

The year 1980 witnessed both an increase in repression of Palestinians and a growing cohesion of efforts to oppose Israel's measures to suppress the voicing of Palestinian national sentiments. In Israel, three laws were adopted in July 1980 to stem Palestinian nationalism. The first, entitled "Order for Prevention of Terror", forbids public manifestations of support for organizations defined by the Israeli Government as "terrorist". This measure is apparently intended to prohibit the flying of flags or the displaying of slogans of the various Palestinian resistance organizations. A second July 1980 law gives the Ministry of the Interior power to revoke the citizenship "of any person who has committed an act that constitutes abrogation of loyalty to the State of Israel". Loyalty is not defined in the statute. Prior to its enactment, only the courts had had jurisdiction to deprive a person of nationality. A third July 1980 law requires registration of associations and refuses it to any group "which denies the existence of the State of Israel or its democratic character, or if there are reasonable grounds to conclude that the association will serve as a cover for illegal actions or objectives".

These three laws are in violation of the internationally protected human rights of assembly and speech. They are justified by Israel on grounds of State security. However, that justification is weak since the laws prohibit acts that fall short of any palpable infringement of security interests.

Another human rights violation occurred in 1980 with respect to Israeli Jews who refused military service in the West Bank. A movement has recently developed among Israeli youth to refuse such service. Most Israeli draftees serve at least part of their service period in the West Bank: bases in the West Bank are used for military training, and soldiers frequently patrol West Bank towns and roads. In July 1979, 27 Israeli high school students sent a letter to the Minister of Defence stating that they would agree to be drafted as required by Israeli law but that they would refuse to serve in the West Bank. They stated as a reason that they did not wish to be part of an occupying army. A number of these young people have subsequently refused service in the West Bank, and some of them have been court-martialled and sentenced to military prison. The imprisonment of these young people has been criticized by, among others, Amnesty International. 11/ They are refusing to participate in actions that violate international law - the occupation itself, and acts regularly committed by Israeli troops in violation of the Fourth Geneva Convention. This being the case, the young people are justified in their refusal.

In the West Bank and Gaza, 1980 and 1981 witnessed increased violations of human rights with respect to settlements. Settlement construction markedly increased, in flagrant violation of article 49 of the Fourth Geneva Convention. This increase in construction was undertaken in late 1980, in anticipation of the Begin Government's defeat in the 1981 elections. In 1981, the United States Government, under a new administration, declared that construction and maintenance of the settlements do not violate article 49. Previously, the United States Government had condemned the settlements as violative of article 49. This change in position removed what little restraint the previous United States position had exerted on construction of settlements.

Another serious increase in human rights violations occurred in 1980-1981 with respect to West Bank universities. These universities have become instruments for the perpetuation of Palestinian history and culture, as well as places where Palestinian national sentiment is reinforced. In July 1980, an order issued by the West Bank Military Governor, General Benyamin Eliezer, extended to West Bank universities a 1964 Jordanian statute on government regulation of secondary schools. This statute gives the Government extensive control over educational institutions at the secondary level, in particular with regard to the hiring and firing of faculty, the admission of students and the establishment of the curriculum. The Government of Israel, while admitting that the 1964 Jordanian statute was not drafted for the regulation of universities, justified its use by stating that Jordan had no statute for regulation of universities. 12/ Israel is required by international law to utilize Jordanian legislation since the West Bank was governed by Jordan prior to Israel's occupation of it. Thus, according to the Israelis, the most lawful approach was

to utilize the Jordanian statute on secondary schools. The Government of Israel further argued that according to the law of military occupation, it had the right to prevent teaching that would incite students to oppose the occupation. 13/

However, the manner in which this 1980 decree (Military Order No. 854) has been enforced goes well beyond any legitimate security interest of the Government of Israel. In the spring of 1980, the West Bank Military Governor denied an operating permit to the Abu Dis College of Science (West Bank), thereby forcing its closure. Explaining the closure to Israel's High Court of Justice, Israel's Deputy Attorney-General stated: "Where there are schools, there will be demonstrations, stone-throwing, raising of flags and therefore a threat to security". 14/ In November 1980, General Eliezer ordered the closing of a series of cultural events at Bir Zeit University. Without explanation he has withdrawn visas from a number of non-resident faculty members at the same University. Soldiers patrol university campuses in the West Bank on a daily basis, and there are frequent clashes with students.

The West Bank Military Governor has delayed or denied permission for establishment of a number of academic programmes involving no security concerns. At Bethlehem University in 1980, for example, he denied permission to establish a programme in the university's hotel management department whereby students would guide tourists around the Holy Places in Bethlehem. No explanation was given for the denial. 15/

Restriction on any speech or other expressive activity directed against the occupation has become extremely severe. In April 1980, several Bethlehem University students were convicted in an Israeli military court for wearing T-shirts bearing the emblem of the Bethlehem University Student Council.

The emblem contained streaks of green, black, and red on a white T-shirt (the four colours of the Palestinian flag). The students were convicted under an Israeli military order on the prohibition of incitement and adverse propaganda. 16/ That order, which calls for a jail term of up to 10 years, punishes:

"... any person who tries whether verbally or in any other manner to influence the public opinion in the area [West Bank] in a manner which might endanger public security or order or carries out any action with the intention of carrying out or of facilitating the carrying out of any action mentioned above".

Order No. 101 prohibits the raising of a flag without permission of the Military Governor and requires a permit for:

"... a march of 10 or more people together; or the assembling for the purpose of marching together from one place to another for a political purpose; or for a matter which can be interpreted as a political matter whether or not they were in fact walking and whether or not they had congregated."

In spring 1980, 80 students of the Abu Dis College gathered for a silent sit-in to protest the closing of the college by the Military Governor. They were arrested and convicted of illegal assembly. 17/

Use of the word Palestine is often prohibited. In a 1980 court case, two journalists sought the right to register with the Israel Register of Companies a business called Palestine Press Service. Their application had been denied by the register on the ground that the term Palestine is "offensive to the Israeli public". An Israeli district court judge upheld the rejection because of the "offensive nature of the proposed title". 18/

Books considered anti-occupation or anti-Israel are regularly banned by the Military Governor.

The United States annual report on human rights published in February 1981 noted that, during 1980, an increasing number of books was banned by the Israeli Government. 19/

Newspapers are frequently closed down and are regularly censored. During 1980, editors of two prominent West Bank newspapers were placed under town arrest at their places of residence. This prevented them from going to the offices of their newspapers in Jerusalem. 20/

The Fourth Geneva Convention does not guarantee freedom of speech during military occupation.

However, the Universal Declaration of Human Rights, which by its terms is applicable regardless of the status of a territory (art. 2), does provide such protection (art. 19), as do other international human rights documents.

A related human rights deprivation that has assumed increasing significance during 1980-1981 is denial of self-governance. The Fourth Geneva Convention requires an occupier to permit the local government to function as normally as possible, consistent with the occupier's security interest. In the West Bank and Gaza, Palestinian governmental institutions have been reduced to insignificance because of the broad authority assumed by the Israeli Military Governor. Local municipal councils exist, but their powers are insubstantial. No Palestinian governmental authority is permitted for the West Bank or Gaza as entities.

At that level, the Military Governor has appointed assistants who are responsible for various aspects for governmental administration.

In 1980, even this limited form of local self-government was challenged by the Government of Israel. Quadrennial elections scheduled for spring 1980 in the West Bank were cancelled by the Military Governor, General Eliezer. Explaining the reason for the cancellation, General Eliezer stated: "If we let them run for elections, the result would be very clear - once and for all to bury the Camp David peace process". 21/ The cancellation was thus motivated by a fear that the elections would bring to office persons with views inimical to the interest of the Government of Israel.

It is ironic that, at a time when the Government of Israel is supposedly negotiating with Egypt to accord self-governance to West Bank and Gaza Palestinians, increased measures have been taken to thwart local self-government, to suppress opposition to the occupation, and to increase the Zionist takeover of the West Bank through settlement.

It is critical at such a time that international pressure be more effectively mobilized to protect the human and national rights of the Palestinian people.

An issue which has helped to raise international consciousness is that of the legal status of Palestinian fighters captured by the Israeli army. A claim to status of prisoner-of-war has been made by Palestinians prosecuted for acts connected with military operations in which they were engaged.

In many such instances, these Palestinians fighters satisfy the requirements established by international humanitarian law to be considered "combatants". A captured "combatant", according to international humanitarian law, is not to be prosecuted for participation in military operations.

However, Israeli military courts have heretofore uniformly rejected these claims to prisoner-of-war status and have proceeded to conduct a trial and to impose punishment. In appropriate circumstances, Israeli courts should grant such claims. Combatants are not to be treated as criminals.

These claims of prisoner-of-war status demonstrate to world opinion the fact that the Palestinians are engaged in a war of liberation.

Another court proceeding that has served to raise public awareness of the nature of the Palestinian struggle is that involving Ziad Abu Ein in the United States.

A young Palestinian, Abu Ein, is charged by the Israeli Government with settling a bomb in Tiberias, resulting in several deaths. At the time he was charged (1979), Abu Ein was in the United States. The Israeli Government requested his extradition. The United States authorities arrested him. He has been held in jail since that time.

In the court proceeding in Chicago to determine whether Abu Ein is subject to extradition, he argued that he had not done the act with which he has been charged but that in any event such an act must be considered political. Under international law, a person who commits a crime for political reasons is generally not subject to extradition.

Abu Ein has also argued that he is not subject to extradition because, as a Palestinian facing a political charge, he is not likely to receive a fair trial in an Israeli court. His attorneys have shown that in such cases Palestinians have frequently been coerced into confessing and have been convicted on little evidence.

Thus, the case of Abu Ein has illustrated to the public in the United States both the nature of the Palestinian struggle and the quality of Israeli justice.

It is important that the kind of information generated by such court cases be brought to public attention. Dissemination of such information not only pressures Israel to curb its violations of the rights of Palestinians but also creates a climate of world opinion more conducive to an overall resolution that will satisfy the Palestinian's rightful demand for self-determination.

Notes

1/ George Antonius, The Arab Awakening, 1946, pp. 448-49.

2/ Memoirs of former Israeli Prime Minister Yitzhak Rabin, reported in The New York Times, 23 October 1979, and in Newsweek, 5 November 1979, p. 68.

3/ Erskine Childers, "The Other Exodus", in The Israeli-Arab Leader, ed. Walter Laqueur (1969), p. 145.

4/ Davar, 29 September 1967.

5/ Israeli League for Human and Civil Rights, The Shahak Papers, ed. Adnon Amad (1973).

6/ Don Peretz, Israel and the Palestine Arabs (1958).

7/ Uri Davis, Israel: Utopia Incorporated, 1977.

8/ Ha'aretz, 2 December 1980; Al-Fajr, 18 January 1981, p. 15.

9/ Numerous reports have been issued by various United Nations bodies; Amnesty International (London) has published a number of analyses; the National Lawyers Guild (United States) has published Treatment of Palestinians in Israeli-Occupied West Bank and Gaza: Report of the National Lawyers Guild 1977 Middle East Delegation, 1978; the International Commission of Jurists has published The West Bank and the Rule of Law, 1980.

10/ A major work detailing the violation of Palestinian rights in Israel is Ian Lustick, Arabs in the Jewish State, 1980.

11/ Amnesty International 1980 Report, p. 338.

12/ "Universities in the areas administered by Israel", mimeographed document distributed by Israeli consular offices in the United States, 1981.

13/ Ibid.

14/ Case No. 322/8, 14 July 1980, cited in International Commission of Jurists, The West Bank and the Rule of Law, 1980, p. 89.

15/ Interview by author with Father Joseph B. Loewenstein, President of Bethlehem University, Bethlehem, 27 November 1980.

16/ Military Order No. 101, 27 August 1967, as amended by Military Order No. 718, in International Commission of Jurists, The West Bank and the Rule of Law, pp. 126-128.

17/ Ibid., p. 82.

18/ Ibid., 18 January 1981.

19/ 1980 Country Reports on Human Rights Practices, p. 1008.

20/ Orders for town arrest were issued effective 7 August 1980, and continue in effect as of this writing.

21/ The New York Times, 27 March 1981.

K. THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

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The question of Palestine, and in particular the fundamental rights of its people, are related to the United Nations more than any other matter. They are intertwined with the elements of the oppression, activities and aggressions carried out by zionism in connivance with its allies. The just solution to the Palestinian question is a conditio sine qua non for the general situation in the Middle East. The Palestinian question was submitted to the United Nations in 1974; in 1975, the Committee on the Exercise of the Inalienable Rights of the Palestinian People was set up, and in 1976 it submitted clear and precise recommendations to the General Assembly reaffirming the right of the people of Palestine to self-determination, national independence and sovereignty over their territories, including the right to establish its own independent State and recover their homes and properties.

Time has intensified the serious situation in the region and as a result of an initiative adopted by the Movement of Non-Aligned Countries during its Sixth Summit Conference held at Havana in September 1979, the General Assembly held its seventh emergency special session in July 1980 after the United States vetoed in the Security Council in April 1980 the draft resolution recognizing the fundamental rights of the Palestinian people. The United Nations has already organized seminars such as this one and will continue to do so.

The research necessary to discover the so-called Zionist rights over Palestine would require too much time and we would only reach the following unquestionable conclusion: there is absolutely no Israeli right over the illegally occupied Palestinian territory. The Zionists wonder who the Palestinian people are since according to them they have never existed as such; there are, however, 4 million of them, more than the Israeli living in Israel. To deny the existence of the Palestinian people is a gross statement but recently, even President Reagan wondered why the Arab countries did not distribute the Palestinians among themselves so the United States could have one less headache.

Besides the crimes committed by the Zionists during the last 30 years, they have gone to the monstrous extreme of trying to exterminate the Palestinian people and deny it its right to self-determination.

In relation to this Israeli policy of extermination, the Palestinian people could well echo the words of Alfonso X, the wise king of Castile and León who, in the thirteenth century, said: "Whoever deprives me of life, deprives me of my other rights", and that is precisely what the Zionists want to do.

Trampling over the existence of the Palestinian people, the Zionists want to colonize Palestine as part of the Greater Israel, which would extend from the Nile to the Euphrates, as shown by their activity throughout the years. To give an idea of how they act, it is sufficient to follow their penetration into Jerusalem: in 1947 the General Assembly decided that Jerusalem would be an internationalized city, a corpus separatum under United Nations administration; in April 1961 Jordan requested a Security Council meeting to prevent the Israelis from holding a military parade but Israel declared that there would be ... no ammunition; in July 1967 the General Assembly requested that Israel repeal all measures tending to alter the situation in Jerusalem and refrain from adopting new ones and in 1969, the Security Council censured all Israeli measures aimed at changing the status of the city. In 1970 this same Council condemned the violation and profanation of the sacred mosque of Al Aqsa and accused Israel for these actions; in 1977 the Zionists set up camp 20 miles outside the city, apparently to carry out archaeological excavations; these, however, never took place and the result was one more settlement. Finally, we must mention the fact that according to Israel, its rights over Jerusalem are equal to its rights over all of Palestine and that is why it has made Jerusalem its eternal capital.

Israel is trying to change the demographic nature of Palestine, destroy the Arab identity and put the world before a fait accompli, hiding the fact that the Palestinian people can exercise its right as a people. The Zionist way of thinking is thus quite clear: occupy all Palestinian territories, make Jerusalem a Jewish city, occupy other Arab territories and attack some Arab States of the region such as Lebanon, Syria and Iraq. Israel unashamedly declares that there is a Jewish State in Palestine as well as an Arab State - Jordan - and that the Palestinian Arabs have a right to their self-determination there.

The existence, establishment and admission of Israel to the United Nations was conditioned to its respecting the frontiers set up in the 1947 General Assembly resolution 181 (II) on the partition of Palestine, which defines very specific borders for the State of Israel and the Arab State of Palestine, as well as a special status for Jerusalem. It is interesting to note that Israel is the only State in the world with no fixed geographic frontiers to the north, to the south or to the east. Nor does it want any since this allows it to extend its borders as a result of its aggressive expansionism. Proof of this is its reiterated position that it does not intend to stay within the frontiers defined by the United Nations.

Palestine has been the object of direct and constant aggression as a result of the settlements set up by Israel, which has made its settlement policy one of the main pillars of its system - a colonial policy which challenges not only the Palestinian people themselves but also the international community as a whole since its final aim is to make them Jewish territories and annex them, thus grossly violating international law and the obligations Israel assumed when it became a Member of the United Nations. All this explains the fact that more than 130 Zionist settlements already exist in the occupied Palestinian territory. Israel is trying to make its presence and domination of the occupied Arab territories an irreversible fact to prevent the creation of an independent Palestinian State; that is why it even takes the liberty of calling the occupied Arab territories "administered zones" and "liberated zones".

The inhuman way in which it treats the Arab people of the occupied territories is something else again. For a long time Israel and its allies tried to reduce the question of Palestine to a question of refugees. But the international community has become fully aware that the Palestinian problem is not a question of refugees but one of self-determination, and that Palestine will be an independent State with full rights for its people; that the problem does not reside in sending additional assistance to the refugees, who are suffering as a result of the exile imposed on their people, but of the right of these people to return from this illegal expulsion to live in its own independent State.

It is absolutely necessary to say this in order to understand the meaning, the essence of the fundamental rights of the people of Palestine. But we must first mention two additional matters: when imperialism defines all national liberation struggles as terrorist struggles, it would be good to recall that terrorism was officially and extensively practiced by the Zionists even before they became a State and they have continued to practice it even more intensively as a system. It is part of Israel's daily routine against the Arab world and in particular against the Palestinian people. Does anyone ignore Menachem Begin's long record as a terrorist? And the Stern group, among others? Who does not recall that the United Nations condemned the Israeli terrorist attack against Count Folke Bernadotte - the mediator sent by the United Nations - carried out in Palestine itself in November 1948? And is it not true that the terrorist group Gush Emunim exists with the full backing of the Zionist Government? Israel has institutionalized terrorism and this is evident by the numerous resolutions adopted by the General Assembly and the Security Council to condemn them. The other argument put forth by Israel is its own security, its claim to the right to live within safe frontiers, but it is not really interested in defining them; it speaks of its security just like Yankee imperialism and the Pretoria regime, who trample over the security of others but want to guarantee theirs. Israel is interested in extending its borders not because its security is endangered but simply because it wants to fulfil Zionism's old dream.

On the other hand, Israel has reiterated the practice of faits accomplis to back its demands; that is the language it recurs to, and it makes permanent use of it. But here it is wrong because faits accomplis will never legitimate its crimes; Israel will never be able to use the principle of effectuality since an unlawful act in itself cannot create lawful situations, only de facto situations which can sometimes become lawful. We must also remember that in international law, a right can never be the result of an

illegal action since the ex injuria non acitur principle is always enforced.

We now come upon the first and foremost right of the people: the right to self-determination as a condition for all other rights, an imperative rule of international law, a jus cogens which can never be repealed. A nation has been living on Palestinian soil from ancient times: the Palestinian nation, with its own rights; they are a people, a nation in struggle, with a sole legitimate spokesman: the Palestine Liberation Organization (PLO). They have countered four wars of aggression unleashed by Israel in the last two decades and they face dispersion, displacement, forced exile, settlements, and the violation of their human rights. They have raised the banner of their fundamental national rights, which are imprescriptible, cannot be handed over or usurped: their right to return; to equal rights with other States; to self-determination and national liberation; to struggle for the recovery of their homeland; their Palestinian nationality; to indemnity for all their properties seized by force, and to demand and obtain all kinds of moral, political and material assistance for their struggle.

There is a serious problem: their rights have been usurped by a group of foreign people who are trampling all moral or international rules. Is it necessary to recall the consensus reached throughout the world over the legitimate rights of the Palestinian people: their right to self-determination, the creation of an independent State, the return of their homeland, the principle of non-interference in their internal affairs? In spite of all this, the United States vetoed the April 1980 Security Council resolution and refused to recognize the inalienable rights of the Palestinian people.

That is why the international community has worked so hard on this matter, carrying out different activities culminating in this important seminar. That is why General Assembly resolution 3236 (XXIX) reaffirms the inalienable rights of the Palestinian people; why such an important Committee was set up in 1975 and why its objective and impartial recommendations have been approved by the overwhelming majority of the General Assembly.

We are not before the classical case of a people denied its right to self-determination but before a people uprooted from their land and dispossessed of its properties; and meanwhile, the Zionists are carrying out their settlement policy.

The right of the Palestinian people to self-determination can be enforced only if Israel evacuates all occupied territories. Once these occupied regions are evacuated by Israel and an independent Palestinian administration set up, then will the Palestinian people be able to exercise its right to self-determination and decide what form of government they want. According to the historic General Assembly resolution 1514 (XV) on decolonization adopted in 1960, the colonizing nations must hand over their power to the colonized peoples as a conditio sine qua non in all still dependent territories and immediate measures must be adopted to this end and to guarantee that the transfer of power will result in full independence and liberty.

The occupied Arab territories are undeniable colonial enclaves over which Israeli authorities exercise full control; this is admitted by the Zionists themselves and by the United States as well in connivance with El Sadat. In programming autonomy for the Palestinian people, they start off from the logical fact that the Palestinians have no Government of their own. But what those countries cannot do is ignore the need to hand over power, nor can they programme anything countering the immediate transfer of power, nor can they - once the transfer comes about - prevent the right of those people to full independence and liberty.

As a result of their policy of annexation and expansion, the Zionists deny the Palestinian people its fundamental rights. That is why it is so important to denounce this as a matter of priority and as a permanent item on the agenda of all international meetings. Israel defies the will of the international community, ignores the resolutions adopted by the United Nations, scorns all resolutions adopted elsewhere and tramples international law. In 1979 and 1980, the Security Council approved several resolutions such as resolution 446 (1979) on the illegality of the Israeli settlement policy, or resolution 471 (1980) on the occupied territories and Jerusalem. With its veto, the United States prevented the Security Council from assuming the responsibility of recognizing the self-determination of the Palestinian people and its right to an independent State. Israel has grossly trampled upon the agreements of the United Nations as well as those of the Movement of Non-Aligned Countries, the Arab League, the Organization of African Unity and other international forums and organizations. Together with its accomplices, it has even declared that any action taken by the United Nations would only hinder the so-called peace talks. Israel has even reached the point of declaring within the General Assembly that it would be absurd to believe that someone like the Zionist people could ever be convinced by the cries of cynics, fanatics, hypocrites and opportunists; it has stated that the holding of the 1980 special session is as illegal as it is absurd. Israel believes it has the right to invalidate the decisions and the role of the United Nations and it has always counted on the total support of the United States to maintain this position.

During the last few years Israel, El Sadat and the United States have made some agreements which bring another matter to the forefront: the autonomy of the inhabitants of Cisjordan and the Gaza Strip, but this administrative autonomy is nothing but a disguise for Israel's policy of annexation. Cuba has stated in international forums that while the Zionist authorities are negotiating this so-called autonomy without the participation of the Palestinian people and the PLO, its sole legitimate representative, they have been intensifying their policy of colonization and aggression. Such an autonomy would be equivalent to the complete negation of the fundamental rights of the Palestinian people, the perpetuation of Zionist occupation, the exploitation of the resources of the Palestinian land by Israel and its partners. In a word, what they have in mind is a sort of Palestinian ghetto, a sort of "bantustanization" of the Palestinian homeland.

Israel has stated very clearly that such an autonomy would not mean the establishment of a

Palestinian State - which it cannot accept - and it even says that autonomy prevents the establishment of such a State. Hitler set up protectorates in Europe and Israel wants to create a similar system throughout the Middle East since it is clear that the autonomous territories it has in mind for the future affect not only Palestine but the rest of the region as well.

The policy followed by Israel to continue the systematic colonization of the occupied Arab territories puts us before a new kind of colonialist system, the most horrid kind of colonialism history has ever known. Because Israel has not only occupied Palestine but it has also introduced racial discrimination and carried out persecutions at an unprecedented level; at the same time, 2 million Palestinians have been expelled from their homeland, displaced by 2 million foreigners coming from other countries to colonize their lands.

It is well known that behind a colonial question there is an international question since colonial problems have been definitively incorporated into international policy and law. Under classical colonialism, the colonized people were kept on its own land but Zionism practices a different kind of colonialism under which it disperses a whole people, expelling it from its territory and substituting it with immigrants, conquerors and racists from all corners of the earth. More than 20 years after the process of decolonization began in the world, Israel is still insisting on this form of colonialism.

It is evident that the full participation of Palestine and of its sole legitimate representative, the PLO, is an imperative condition for the solution of the Palestinian problem. Any other State or person claiming to represent them cannot have the same validity since it is inconceivable that third parties not invested with any power to act be admitted as representatives. The Palestinian people cannot be forced nor are they under any obligation to accept what others scheme in its name. It is highly suspicious to note that these unusual initiatives organized by the Zionists, their friends and some traitors of the Palestinian people have come up after the conspiracy to create a news blackout on the Palestinian question had been destroyed, after the General Assembly had discussed all aspects of the matter in 1974; and when the Palestinian struggle became part of the national liberation struggle of numerous peoples of Asia, Africa and Latin America. When the United States asks people to refrain from using "incendiary rhetoric", what is left for those suffering under the Zionist boot?

An international imperialist, racist, colonialist, and Zionist conspiracy has been organized for decades to trample the rights of the Palestinian people. There is an ominous period of time that goes from the Balfour Declaration to Camp David. The Camp David agreements do not even mention the fundamental rights of the Palestinian people or the relevant role of the PLO; they are the cover necessary to send weapons to the Zionist regime; they not only hinder a solution to the situation, since they intensify it, but they also accelerate Israel's gross aggressiveness and constitute a recognition of Zionist demands backed by the United States - they are, in a word, a new step towards a Greater Israel. And what if according to El Sadat these agreements imply a legal obligation for Israel? What legal obligation? Does anyone believe that Israel will ever fulfil its legal obligations? Who has any faith in El Sadat? How right the members of the Arab League are when they describe these agreements as an aggression against the rights of the Palestinian people and the rest of the Arab nation! We must also remember General Assembly resolution 34/65 B, adopted in 1979, according to which those agreements and others like them are null and void, since they attempt to determine the future of the Palestinian people and of the Arab territories occupied by Israel in 1967.

Today's Zionist territorial expansion can best be illustrated with the iniquitous series of activities that started the territorial expansion of the United States in the nineteenth century. Could Israel have done what it did, and what it still does, and would it have acted as it has without the unlimited support of the United States? According to the United States, it is difficult to enforce the rights of the Palestinian people in a practical and realistic way. The United States has stated that the realities of the United Nations are different from those of the outside world, that there are two worlds: one of reality and another of the United Nations. What is the world of reality for the Yankees?

There are other elements in this conspiracy: one is El Sadat, according to whom the occupation of Palestine could gradually be turned into its independence. How can he speak about a process of gradual liberation when the declaration against colonialism speaks about a process of irresistible, irreversible and immediate liberation? Another element is the spurious alliance between the South African regime of apartheid and Israel; yet another, the support of the United States imperialist policy receives from the clique ruling in China, which silences all mention of the Camp David agreements while declaring that it is dangerous to rely on the power of weapons to solve the Palestinian problem - thus trying to stop the Palestinians in their struggle for liberty. The marriage between racist ideology and imperialist interests - the Pretoria-Tel Aviv-Washington axis - in other words, the marriage between racism, Zionism and imperialism - common enemies of the rights of the peoples - has not been able to stop this struggle nor the backing it receives from world public opinion in spite of the support these common enemies are getting from the Peking clique and the most reactionary circles of our times against the fundamental rights of the Palestinian people.

When the Israelis say they need "vital space", are they not harking back to the Nazi ideology of the Lebensraum, the Nazi vital space? What does Israel mean when it speaks of negotiations if it declares that Jerusalem is not negotiable, that the elimination of the settlements is not negotiable, that the return of the refugees is not negotiable? Whatever can it mean if it also states that the return to the 1967 borders is also not negotiable? What negotiations can it be talking about if it will not admit any independent Palestinian State?

We wonder how long the international community will tolerate Zionism's excesses and its systematic refusal to accept United Nations resolutions and agreements. The United Nations assumed the historical responsibility of finding a solution to the Palestinian problem, it accepted the partition of Palestine in 1947, it has witnessed the birth and expansion of the Israeli State, but it has not witnessed the birth of the Palestinian State; meanwhile, Israel has usurped the city of Jerusalem. True enough, the United Nations has a huge responsibility in all present-day problems but in the case of Palestine, this

responsibility is a much more direct one. There is only one State in the world created as a result of a legal action taken by the United Nations, and that State is Israel. The United Nations therefore cannot witness in silence the crimes and violations committed by Israel. It must act energetically and with determination, make the necessary decisions, apply the measures set forth in Chapter VII of the Charter. The United Nations can expel Israel from its membership according to Article 6 of the Charter and to the paragraphs in Article 25 related to the fact that Member States must accept and abide by the Security Council decisions. The fact that the only State created by the United Nations is continuously defying it is quite paradoxical. The most urgent task now before the United Nations is to definitely reaffirm the fundamental rights of the Palestinian people.

We are all here obliged to unmask the miserable distortion of history the Zionists are carrying out. The course of history cannot be reversed and history itself has taught us time and time again that the peoples who fight for their fundamental rights are, in the end, always victorious.

One day, the heroic guerilla, Commander Ernesto Che Guevara, spoke of the need to create two, three Viet Nams ... Today, after the victory of the brother Vietnamese people over Yankee imperialism first, and Chinese expansionism after, we should ask ourselves if we do not perhaps need two, three Palestines in struggle. In struggle and in victory.

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Note: See ["Question of Palestine: Legal Aspects \(Doc. 3\) for continuation.](#)