
THE FOURTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

Theme: "The inalienable rights of the Palestinian people"

31 August - 4 September 1981

Havana

CONTENTS

	<u>Page</u>
1. Report of the Fourth United Nations Seminar on the Question of Palestine	1
2. Statement by the Chairman of the Fourth United Nations Seminar on the Question of Palestine	8
3. Statement by the Acting Foreign Minister of Cuba, H.E. Mr. José Linares	13
4. Message of Chairman Yasser Arafat	17
5. <u>PAPERS PRESENTED AT THE SEMINAR</u>	20
Retrieving Palestinian National Rights	Abu-Lughod 21
The Nature of the Palestine liberation Organization: The Identity	Al Hout 29
The Perception of the Palestinian Question in Latin America	Abugattas 47
Israeli Settlements in Occupied Arab Lands: Conquest to Colony	Abu-Lughod 61
Political Aborticide: Israel's Palestinian Policy	Hallaj 100
Implications of the Process of Implementing the Fundamental Rights of the Palestinian People	Diaz-Casanueva 119
Human Rights and Palestine	Prado-Vallejo 135
The Fundamental Rights of the Palestinian People	Gilmour 142
An Analysis of the Legal Structure of Israeli Settlements in the Occupied West Bank of Jordan	Shehadeh 152
Zionist Control of the Communications Media and of the Cultural System in Venezuela and the Struggle of the Palestinian People	Rangel 171
The Inalienable Rights of the Palestinian People	Garcia Lara 184
Some Considerations on the Establishment of a Palestinian State	Sevilla-Borja 194
Human Rights and Palestine: Recent Developments	Quigley 200
The Palestinian Question and the Latin American Public Opinion	Perez 210
The Fundamental Rights of the Palestinian People	D'Estafano Pisani 214
6. List of Participants	223

1. REPORT OF THE FOURTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE

1. In accordance with the terms of General Assembly resolution 34/65 D, the Fourth United Nations Seminar on the Question of Palestine, with its central theme "The Inalienable Rights of the Palestinian People" took place at the Palacio de las Convenciones, Havana, from 31 August to 4 September 1981. Eight meetings were held at which fifteen panelists presented papers on various aspects of the Question of Palestine.

2. The United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People was represented by a delegation consisting of Mr. Massamba Sarré, (Senegal), Chairman; Mr. Farid Zarif (Afghanistan), Vice Chairman; Mr. Andreas V. Mavrommatis (Cyprus), and Mr. Zehdi L. Terzi (Palestine Liberation Organization). Mr. Mavrommatis acted as Rapporteur of the Seminar.

3. The opening session was attended by Mr. Jesús Montané Oropesa, alternate member of the Political Bureau and Chief of the Department of International Affairs of the Communist Party of Cuba who represented President Fidel Castro.

4. The opening session of the Seminar, on 31 August 1981, was addressed by Mr. José Raúl Viera Linares, Acting Minister for Foreign Affairs of Cuba, who, on behalf of his Government, welcomed the holding of the Seminar in Cuba since it was devoted to one of the most noble causes of contemporary history because of the long suffering of the Palestinian people. He added that the promotion of this type of Seminar reaffirmed

the priority accorded by the United Nations General Assembly and the movement of Non-Aligned Countries to the realization of the inalienable rights of the Palestinian people. He stressed also the importance of increasing the solidarity of the international community with Palestine and of bringing to international public opinion full knowledge of the facts of the tragedy of the Palestinian people.

5. At the same session, Mr. Massamba Saré, Chairman of the Committee gave a brief account of the Committee and its work and stressed the importance of ensuring that all facts surrounding the question of Palestine reached the public so that a proper understanding of the issues would be achieved. A message from Mr. Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization, was conveyed to the Seminar by Mr. Abdullah Abdullah, his special representative to the Seminar.

6. At the opening session of the Seminar, a minute of silence was observed in memory of two distinguished Latin American leaders recently killed in air accidents: the President of Ecuador, Jaime Roldós Aguilera, and the Commander of the National Guard and former Head of State of Panama, General Omar Torrijos. The Seminar commenced its next session with the observance of one minute of silence in memory of the late Mohammad Ali Rajai and Mohammad Javad Bohanar, President and Prime Minister of Iran, respectively, news of whose tragic deaths had been received, officially that afternoon.

7. The closing session was addressed by Mr. Vecino Alegret, Minister of Higher Education of Cuba.

8. Six panels were established to consider different aspects of the central theme "the inalienable rights of the Palestinian people". These panels, the panelists and titles of the papers presented were as follows:

Panel 1: Israeli Settlement Policies in the Occupied Arab Territories

Dr. Janet Abu-Lughod (United States) and Mr. Raja Shihadeh (Palestinian) presented papers entitled "Israeli Settlements in Occupied Arab Land: Conquest to Colony" and "Analysis of the Legal Structure of Israeli Settlements in the Occupied West Bank of Jordan" respectively.

Panel 2: Human Rights and Palestine

Dr. Muhammad Hallaj (Palestinian), Dr. Julio Prado Vallejo (Ecuador) and Dr. John Quigley (United States) presented papers entitled "Political Aborticide: Israel's Palestinian Policy", "Human Rights and Palestine" and "Human Rights and Palestine: Recent Developments" respectively.

Panel 3: The Nature of the Palestine Liberation Organization

Dr. Sayan Nuwaihied al Hout (Palestinian) presented a paper entitled "The Nature of the Palestine Liberation Organization: The Identity".

Panel 4: Legal Issues in the Palestine Question

Dr. Ibrahim Abu-Lughod (Palestinian) and Dr. Horacio Sevilla Borja (Ecuador) presented papers entitled "Retrieving Palestinian National Rights" and "Some Considerations on the Establishment of a Palestinian State" respectively.

Panel 5: The Palestine Issue and Latin American Public Opinion

Dr. Juan Abughattas Abughattas (Peru), Dr. Domingo Alberto Rangel (Venezuela), Dr. Camilo Octavio Perez (Panama) and Dr. Mguel D'Estafano Pisani (Cuba) presented papers entitled "The Perception of the Palestinian Question in Latin America", "Zionist Control of the Communications Media and of the Cultural System in Venezuela and The Struggle of the Palestinian People", "The Palestine Issue and Latin American Public Opinion" and "The Fundamental Rights of the Palestinian People" respectively.

Panel 6: Fundamental Rights of the Palestinian People

Dr. Humberto Diaz-Casanueva (Chile), Mr. David Gilmour (United Kingdom) and Lic. José Antonio García Lara (Cuba) presented papers entitled "Implications of the Process of Implementing the Fundamental Rights of the Palestinian People", "The Fundamental Rights of the Palestinian People" and "The Rights of the Palestinian People" respectively.

9. It was clear from the exchange of views that there was consensus among the participants on the main points raised by the panelists as well as over a wide range of issues relating to the restoration of the inalienable rights of the Palestinian people. The discussions covered all aspects of the rights of the Palestinian people and the manner in which they were consistently violated by Israel. It was agreed that the situation in Palestine was not merely the concern of the Palestinian people and the Arab nation but involved the entire international community, insofar as it constitutes a threat to international peace and security, and is a violation of internationally accepted principles.

10. In view of the depth of analysis contained in the papers presented at the Seminar, and in accordance with established practice, they will be published by the United Nations along with the report of the Seminar as a contribution to a wider understanding of the Palestine Question.

11. The Seminar noted that the fundamental rights of the Palestinian people had been defined and reaffirmed by the United Nations and other organizations. It has been Israel's intransigent policy, recently intensified, and the support it receives from other States, particularly the United States, which placed obstacles in the way of full attainment of those rights. It was suggested that the international community should take action in accordance with chapter VII of the Charter of the United Nations in view of Israel's violations of international law including persistent violations of Article 25 of the Charter.

12. The Seminar stressed the importance of the role played by the United Nations in finding a just solution to the problem of Palestine. It was recognized that although much had been done by the international community to support the Palestinian people in its struggle to attain and freely exercise its inalienable rights, yet the United Nations should continue and intensify support to the Palestinian people and ensure that the principles of the Charter and the resolutions of the General Assembly and the Security Council were not violated. It should also assist in the preservation of the rights of the Palestinian people and take timely measures to forestall violation of those rights and to prevent Israel's genocidal aggression which interferes with the implementation of Palestinian rights and thus affects international peace and security. This was the transcendent responsibility of the United Nations and of Member States.

13. The Seminar was convinced that any partial agreement arrived at outside the framework of the United Nations which sought to find a solution which affected the rights of the Palestinian people or the occupied Palestinian territories had no validity unless full recognition was given to the inalienable rights of the Palestinian people and the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people. In this connexion, there was consensus among the panelists that the Camp David Accords represented a violation of the inalienable rights of the Palestinian people as defined in United Nations resolutions and that, to that extent, they were invalid.

14. The Seminar was in complete agreement on the fundamental issues concerning the rights of the Palestinian people as defined in United Nations resolutions and was of the opinion that no deviation should be permitted from these rights. Among these rights were:

- (a) The right of the Palestinian people to self-determination without external interference and the rights to national independence and sovereignty in Palestine;
- (b) The right to territorial integrity and national unity;
- (c) The right of the Palestinians to attain their legitimate aspirations;
- (d) The right of the Palestinian people to establish their own independent and sovereign State in Palestine;
- (e) The right of the Palestinians to return to their ancestral homes and property from which they have been forcibly displaced and uprooted;
- (f) The right of the Palestinians in the occupied Palestinian territories to permanent sovereignty over their natural resources;
- (g) The right of the Palestinian people to free development.

15. It was suggested that to enhance its effectiveness in safeguarding these rights, the international community should be unswerving in its commitment to the attainment of those rights by the Palestinian people, should give moral and material assistance to the Palestinian people in their struggle, including armed struggle, for national liberation, and should call for mandatory sanctions to be applied against Israel as an aggressor State.

16. The Seminar agreed that Israeli violations of the human rights of the Palestinian people living in the occupied Palestinian territories had been persistent, gross, systematic and indiscriminate. There was no evidence to suggest that they were temporary or sporadic aberrations likely to diminish or cease. On the contrary, there were sufficient grounds to believe that Israel's disregard for Palestinian human rights was a manifestation of its ultimate intentions and a strategic commitment in its oppressive relationship to the Palestinian people. The Seminar heard a detailed analysis of Israeli aims and motivations. It also heard a report on the recent (July 1981) attacks by Israel on Beirut and Palestinian refugee camps and Lebanese civilians in southern Lebanon, the conclusion drawn from which was that there was a methodical genocidal onslaught.

17. The participants in the Seminar were of the opinion that in occupied Palestine denial of human rights formed part of a broader denial, that of the Palestinian people's very existence as a nation. Violations of individual human rights, therefore, had to be viewed within the larger context of the denial of national existence.

18. A persistent feature had been an effort on the part of the Government of Israel to eradicate almost all manifestations of

Palestinian national existence. Israel's ability to employ highly developed technology in its efforts to displace and subjugate the Palestinians had facilitated economic domination over them - a domination that had significantly increased the seriousness of the more traditional forms of human rights deprivations. These deprivations had been amply documented by international agencies and non-governmental organizations. Not only in the territories occupied in 1967 have these violations of human rights been taking place at an accelerated rate, but recently there have been mounting violations of rights of Palestinians within the areas Israel has occupied since 1948. Many specific examples of these violations were referred to in the discussion. The Seminar was particularly concerned at the information that a 1980 survey of Israeli Jewish high school students had found that 64 per cent believed that Palestinians in Israel did not deserve equal rights which was indicative of racist indoctrination.

19. The participants in the Seminar expressed their opinion that the similarity between the Israeli and South African régimes should be analysed and be subject to special study concerning the violation of human rights, racism, and colonialism, and the threat that both régimes constitute to international peace and security.

20. The participants at the Seminar considered it ironic that at a time when the Government of Israel was negotiating with Egypt purportedly to accord autonomy to Palestinians in the West Bank and Gaza, additional measures had been taken to reinforce the Zionist takeover of the West Bank and Gaza through the establishment of new settlements/colonies and to suppress opposition to the occupation.

21. It was critical at such a time that international pressure should be more effectively mobilized to protect the human and national rights of the Palestinian people and to put an end to the existing pattern of violations daily perpetrated.

22. The participants also considered that Palestinian freedom fighters should be accorded the status of prisoners of war. They further considered that they could not be extradited for anything done in their capacity as combatants.

23. Reference was made to the special relation that exists between Israel and several Latin American countries as well as to the active presence in the region of economic, financial and military interest of international Zionism.

24. The view was expressed that sections of the Latin American and Caribbean press depended too much on pro-Israeli news agencies and tended to reproduce their dispatches as received. This is prejudicial to the Palestinians since the majority of the principal agencies are sympathetic towards Israel. Zionist strategy depended on the manipulation of facts, men and language - by ensuring a unilateral flow of information concerning all Middle Eastern affairs, by the hiring of well-placed journalists to write anti-Palestinian items and by conveying adverse images of the Palestinians as terrorists. The long term strategy based on this idea had had a definitive influence on Latin American public opinion. In order that more positive results could be achieved in the efforts for the better enlightenment of public opinion in Latin America and the Caribbean on the question of Palestine, concrete measures should be taken, particularly the following:

- (a) The intensification of the dissemination of information on Palestine by the Department of Public Information of the Secretariat;
- (b) The establishment of centres for Palestinian studies in Latin America and the Caribbean in the countries where they do not exist;
- (c) The sponsorship of seminars on the question of Palestine under the auspices of the United Nations especially in those countries of Latin America which are committed to the Palestine cause or do not oppose it;
- (d) Special studies to be undertaken regarding the relations between Israel and several Latin American armed forces;
- (e) The establishment of offices of the Palestine Liberation Organization in the Latin American countries where they do not exist at present;
- (f) Political, technical and material support to all organizations and regional publications which disseminate objective information on the ordeal of the Palestinian people and its legitimate rights;
- (g) A census of Palestinians and other Arabs living in Latin American countries.

25. A suggestion was made that a seminar on the question of Palestine especially organized for the benefit of the United States would prove most beneficial as North American public opinion should be made aware in the clearest terms that the international consensus on the attainment of the inalienable rights of the Palestinian people and the establishment of a sovereign Palestinian State in the occupied territories would not constitute a threat to the existence of Israel.

26. The Seminar noted that in the 14 years that elapsed since its illegal occupation of the West Bank and Gaza, Israel, in defiance of the world community, had systematically passed a large number of military orders and practised policies to facilitate the absorption of the occupied territories while at the same time preventing the development of the Palestinian community, expelling its leaders and attempting to subjugate it completely. Within the over-all objective, the establishment of settlements/colonies on expropriated land and land improperly declared state land has resulted in consolidating the occupation and in the *de facto* annexation of the occupied territories. The Seminar stressed that the occupied territories of the West Bank and Gaza belong to the Palestinian people and to nobody else. Israel's prime motive in continuing the occupation was not strategic but expansionist and colonialist.

27. The means used to put these policies into effect range from brute force and primitive might to resource deprivation and economic sanctions. Though these had been used from the beginning of the occupation in 1967 an intensification was expected in the next few years. Already for instance; agricultural strangulation through rigorous control of water, a scarce resource in Palestine, was evident. New Israeli settlements/colonies were given priority in access to water at the expense of the Arab inhabitants who, when consequently deprived of their present sources of water, were denied permission to drill new wells to replace what they had lost. The strategy was obviously intended to compel the Arab population to emigrate as were the tactics of confiscation of lands, the imposition of collective punishment, and the practice of torture.

28. Specific examples were given of the manner in which Israel executed its settlements policy and the Seminar heard a detailed analysis of the legal structure of the settlements based on ordinances passed at the time of the British mandate, Jordanian laws, Israeli laws and Israeli military orders (of which there are about 1,000 at this time) passed by the military commander of the West Bank. The Seminar was unanimous in its view that Israel's colonial settlement policy, the demographic changes and the changes effected in existing laws were in clear violation of international law particularly the Fourth Geneva Convention of 1949 and were part of Israel's designs to consolidate its illegal annexation of the occupied territories.

29. In considering the evolution of the Palestine Liberation Organization, the Seminar noted that it had developed from an organization which had to strive for the recognition of its own people into an organization recognized by the Arab States and the vast majority of the international community as the sole legitimate representative of its people. The Seminar noted also the supreme importance of the Palestine Liberation Organization as a unifying factor among the Palestinians and the role it played in consolidating their sense of identity, a significant development towards the attainment of the inalienable rights of the Palestinian people. This sense of identity accounted for the continued military steadfastness of the Palestinians, the pragmatic relation between them and the other Arab States, the credibility of the Palestine Liberation Organization, its recognition as the sole legitimate representative of the Palestinian people by the Palestinian people itself and the international community and the steady growth of its democratic traditions.

30. When the Seminar considered the recent history of the Palestinian people, reference was made by the panelists to the tremendous support which all the Arab States rendered to the Palestinian people in order to sustain its struggle for national liberation.

31. The Seminar concluded with the expression by the participants of their appreciation to the Government of Cuba for its assistance and co-operation in permitting the Seminar to be held at Havana and for the warm hospitality, excellent facilities and courteous services extended to them.

2. STATEMENT BY THE CHAIRMAN OF THE FOURTH UNITED NATIONS SEMINAR ON THE QUESTION OF PALESTINE:

I welcome you here today to the Fourth United Nations Seminar on Palestinian Rights. We are grateful to the Government of Cuba for its kind co-operation and assistance in agreeing to provide, at very short notice, a venue for this Seminar. These halls have been the scene of many historic decisions and it is not the first time that the question of Palestine has been considered here. All the omens, therefore, if I may so express it, are propitious for the undertaking we are about to commence.

On 12 December 1979, the General Assembly of the United Nations, at its 34th session, adopted by a large majority, Resolution 34/65 D in which it requested, *inter alia*, that four seminars be organised during the biennium 1980/81. In the past months, we have already held three seminars, one in Africa, one in Europe and one in Asia. Today, we commence the Latin American regional seminar, the last of this series of seminars requested by the General Assembly.

These seminars, by serving to mobilize world public opinion, represent an important step in the United Nations constant efforts to promote the inalienable rights of the Palestinian people.

Those rights were clearly defined in the General Assembly in 1974 in its Resolution 3226 (XXIX) which also reminded the world of the need to implement

its Resolution 181(II) which recognized the right of the Arab people of Palestine to have side by side with the Jewish people an independent state of Palestine, and its Resolution 194 (III) which recognized the right of return of the Palestinian people.

In more detail, in Resolution 3236 (XXIX), the General Assembly reaffirmed the inalienable rights of the Palestinian people, including:

- a. The right to self-determination without external interference;
- b. The right to national independence and sovereignty; and
- c. The inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted.

This and Resolution 3375 (XXX), adopted in the following year, which calls for the participation of the Palestine Liberation Organization on an equal footing with other parties in all peace efforts held under the auspices of the United Nations, marked a turning point in United Nations efforts to restore the rights of the Palestinian people.

At the same time, fearing that its recommendations would not be implemented, the General Assembly established in 1975 the Committee on the Inalienable Rights of the Palestinian People which was mandated to recommend to the General Assembly a programme of implementation designed to enable the Palestinian people to exercise their inalienable rights.

From the beginning the Committee set itself the task of looking into the question impartially and objectively. One of its first acts was to invite all Member States of the United Nations to participate in the work of the Committee in order to maintain that impartiality. Though not all Member States responded to the invitation, several did choose to participate as observers while others presented their views either orally or in writing.

Working by consensus, the Committee adopted a report which contained specific recommendations which were designed:

1. To facilitate in a graduated manner the exercise of the recognized rights of the Palestinian people, and to endorse the role of the PLO as their representative;
2. To bring about a peaceful solution satisfactory to all states and peoples in the Middle East;
3. To utilize all the latent possibilities of the United Nations for promoting peace and guaranteeing security in overseeing the recommended process of change.
4. To abide strictly by international law and the relevant resolutions of the United Nations.

The recommendations contained in that report have been endorsed by the General Assembly at each of its sessions since the 31st session in 1976 at which they were first presented, but they have yet to be implemented, since the Security Council, whose role is crucial to their implementation has been prevented from taking any decision because of the veto of one of its permanent Members.

The Committee stands fast in its belief that its recommendations form a solid basis for a just and lasting solution to the Middle East problem. In these recommendations, the Committee expressed the view that the programme directed towards guaranteeing the right of the Palestinians to return to their homes should, without prejudice to this right, be executed in two phases: the first would involve the return to their homes of the Palestinians displaced as a result of the war of June 1967 and, in this connexion, the Committee recommended, *inter alia*, that the Security Council should request the immediate and unconditional implementation of its Resolution 237(1967). The second phase would deal with the return to their homes of the Palestinians displaced between 1948 and 1967. In this connexion, the Committee recommended that the United Nations, in co-operation with the States directly involved and the Palestine Liberation Organization as the representative of the Palestinian entity, should proceed during the first stage to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly Resolution 194 (III). Palestinians not choosing to return to their homes should be paid just and equitable compensation as provided for in Resolution 194 (III).

The Committee also considered that the evacuation of the territories occupied by force, and in violation of the principles of the Charter and relevant resolutions of the United Nations was a *conditio sine qua non* for the exercise by the Palestinian people of their inalienable rights in Palestine, particularly their right to return to their homes and property; it also felt that once an independent Palestinian entity had been established, the Palestinian people would be able to exercise their right to self-determination.

The Committee also recommended that the Security Council should establish a time-table for the complete withdrawal by Israeli occupation forces from those areas occupied in 1967. At the time when these recommendations were formulated, 1 June 1977 had been set as the deadline for the withdrawal of the last troops. This date was retained for its symbolic value in the Committee's recommendations adopted by the General Assembly in 1977, 1978 and 1979, 1980.

In the face of the formidable obstacles presented by the inability of the Security Council to move forward towards the implementation of the Committee's recommendations, the General Assembly has continued to entrust to the Committee each year a mandate which empowers it to keep the situation relating to the question of Palestine under review and to report and make suggestions to the General Assembly or the Security Council as appropriate and to continue to exert all efforts to promote the implementation of its recommendations.

In accordance with this mandate, the Committee has consistently brought to the attention of the Security Council all instances in which the rights of the Palestinian people have been infringed on and last year in accordance with the Committee's initiative, my Government requested the convening of an emergency special session of the General Assembly devoted to the question of Palestine to counter the impediment placed by the exercise of the veto by one of the permanent members of the Security Council at its meeting of 30 April 1981.

That emergency special session demonstrated that a vast majority of the international community is firmly convinced of the need for the restoration to the Palestinian people of its inalienable rights. It demonstrated also a significant shift in the attitude of a majority of Western European countries who have begun to reassess their stand on this important issue and now appear prepared to adopt an impartial stance based on the facts that surround the question of Palestine.

An important element in bringing this change has been the willingness of the media to give clear and more objective coverage to the developments of the situation in the region. The biased reporting that had the unfortunate effect of always showing the Palestinian people in an unfavourable light or of completely ignoring them is now giving way to more balanced coverage. There is a discernible change in the reporting of events in the region - a significant step towards a better understanding of the problem.

As part of its efforts to promote the implementation of its recommendation, the Committee has made every effort to ensure that the facts reach not only those who are willing to listen but also those who have hitherto been denied access to those facts. On the Committee's initiative in 1977, the General Assembly requested the Secretary-General to establish within the Secretariat, a Special Unit on Palestinian Rights which, under the guidance of the Committee and in consultation with it, would prepare and distribute studies on the question of Palestine in order to promote a better understanding of the problem. The studies prepared by the Special Unit have reached a wide audience and proved most effective and contributed to a change in public opinion on the subject. The seminars organized by the Special Unit of which the one we commence today is the fourth, have also contributed to a better understanding of the facts that surround the question of Palestine.

The Committee is convinced that a proper understanding of the problem will make it abundantly clear that it is the intransigence of Israel that makes a just and durable solution to the problem impossible. Israel has continued to defy world public opinion and the numerous resolutions of the United Nations General Assembly and the Security Council. It has persisted in violating the Fourth Geneva Convention of 12 August 1949 and acted arrogantly and in defiance of international community and world public opinion in its decision to annex Jerusalem and to move its capital to that Holy City. It is not surprising that the international community has even been forced to consider recourse to act on chapter 7 of the United Nations Charter in an attempt to put an end to Israel's intransigence. Such action cannot be totally excluded if Israel persisted in ignoring the appeals to reason that has been addressed to it from all quarters.

Our unceasing efforts must continue to dissuade Israel from its policy based on arrogance as a result of which it now represents the most serious threats to world peace.

As I have said, our seminars on the question of Palestine constitute one step in that direction. They are a major contribution towards a better understanding of the problem of Palestine by helping to shape world opinion and to draw attention to the extremely important question of Palestinian rights. Our participation in this seminar marks a further effort to ensure that the Palestinian people can one day enjoy its political and civil rights on its own soil. The task we are about to commence is one of which we can be justifiably proud.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I should like to take this opportunity to express my

gratitude to all of you who have honoured us with your presence today, and all those of you who have devoted your valuable time to prepare papers which will contribute to the success of this seminar.

3. STATEMENT BY THE ACTING FOREIGN MINISTER OF CUBA H.E. MR. JOSE LINARES

On behalf of my Government and of the entire Cuban people, I should like to express a most cordial and warm welcome to the foreign dignitaries who are today attending the opening of this Fourth United Nations Seminar on the Question of Palestine.

Our country, which is contributing decisively and as best it can to the struggle against imperialism, colonialism, neo-colonialism, apartheid and racism, including zionism, feels particularly honoured to have been chosen as the venue for an event of this nature, devoted to one of the most noble and just causes of contemporary history - the cause of the long-suffering Palestinian people.

The organization of seminars of this type, among many other activities, confirms that the United Nations General Assembly and the Movement of Non-Aligned Countries were right in repeatedly expressing their gratitude to the Committee on the Exercise of the Inalienable Rights of the Palestinian People for its outstanding work within the framework of the activities being undertaken internationally to find a just and lasting solution to the Middle East conflict and in particular to its key aspect, the Palestinian problem.

More than three decades after tragedy first befell this heroic people, it is today more important and urgent than ever to increase the solidarity of the international community with Palestine.

The Zionist authorities, not content with their vandalism and crimes in depriving the Palestinian people of its native land, forcing it into refugee camps and into exile, are persisting in denying that people its most elementary, legitimate and inalienable rights. They are even trying physically to liquidate the Palestinian people, as is becoming increasingly obvious from the systematic and indiscriminate attacks launched by Israel from the air, sea and land against that people and other civilian targets in Lebanon.

Nevertheless this situation must be viewed in an even broader and more complex content. How could we dissociate these genocidal actions against the Palestinians and the Lebanese from Israel's repeated threats against Syria and the Arab countries? How could we dissociate these actions from the recent attack by Israeli aircraft on an Iraqi atomic plant which, according to the most authoritative international bodies, is used for peaceful purposes?

There is no doubt that Israel's aggressiveness and adventurism have recently increased still more, particularly since the Reagan administration came to power in the United States.

It is well known that it was external support - and primarily the support of the United States - which enabled the Zionist State to pursue its expansionist policy in the Middle East and to deprive the Palestinian people of its national rights. Israel has been the beach-head for those who exploited the natural wealth of the Middle East for their own benefit or of those who dominated strategic Middle East routes to pursue their global interests.

When a government came to power in Washington whose strategy was based on a return to the cold war, a policy of subversion and blackmail, an increase in military expenditure and a strengthening of the United States military presence all over the world, the Zionist authorities were encouraged and felt that they were supported as they stepped up their policy of genocide against the Palestinian people and their aggressiveness towards the Arab peoples in general.

The United States is interested in forging new military alliances in the Middle East around the axis of Israel, whose military might is increasing as a permanent threat to the security of the Arab peoples.

The Pentagon is installing new bases in the Middle East countries on the Arabian peninsular and in East Africa, while an increasingly powerful American fleet is permanently stationed in the Indian Ocean and in Gulf waters.

At the same time as it is strengthening its alliance with Israel, the United States is expanding its political, military and economic ties with the Pretoria racist régime, with which the Israeli authorities also maintain a close alliance, including joint work on the development of nuclear weapons.

With the encouragement which it receives from Washington, Israel feels emboldened to drop bombs on Lebanon and send its troops to southern Lebanon, while the South African racists are bombing the Angolan people and also sending troops to Angola.

We have no doubt whatsoever that the Palestinian, Arab and Angolan fighters will give a suitable rejoinder to the racist forces of Tel Aviv and Pretoria and to their supporters.

It is no coincidence that Israel is closely collaborating with the repressive and blood-thirsty dictatorships of Latin America. In step with Washington, yesterday they helped Somoza and today they are doing the same thing in Guatemala, all united in the same reactionary and anti-popular policy, which finds its best expression in El Salvador, where thousands of the finest sons of that brother people have been assassinated.

Today it is a matter of top priority to halt the forces of aggression and war which are helping Israel and South Africa and trying to obstruct democratic progress throughout the world.

Together with the United Nations and other international organizations and gatherings, the Movement of Non-Aligned Countries has been giving priority attention to the Middle East conflict. Our Movement has adopted countless resolutions establishing guidelines for a just and lasting peace in the Middle East, in accordance with the principles of international law, and denouncing and condemning most energetically the aggressive and expansionist character of zionism, as a source of permanent danger for international peace and security.

In this connexion, history has confirmed the depth and accuracy of the vision of our Heads of State and Government; at their Sixth Summit Conference, held in Havana, they denounced the Camp David Agreements and the separate Egyptian-Israeli treaty as a policy which undermined the most elementary rights of the Arab peoples and especially of the Palestinian Arab people and which was designed to strengthen still more the positions of the Zionist régime and to safeguard its interests in the region.

The persistence of this same policy, in collusion with the Government of Egypt, and Washington's unconditional support for Israel explain the continuing Zionist defiance of the international community and the need for all of us who are interested in the preservation of peace to join forces in preventing the emergence of new aggressive military pacts in the Middle East and the outbreak of a new war in that region. Through increasingly co-ordinated action, we can make a decisive contribution to the exercise of the inalienable rights of the Palestinian people, including its right to the constitution of a sovereign and independent State in Palestine, under the leadership of its sole legitimate representative - the Palestine Liberation Organization.

In the context of this active sympathy with the Palestinian people, you are required to undertake an important historical mission: to halt the diversionary approach to the Palestinian question adopted by the Zionist and imperialist mass media and to help by your efforts to awaken international public opinion to the tragedy of the Palestinian people.

It is especially important to alert public opinion on this continent of Latin America, where Israel is doing its utmost to thwart the process of its diplomatic isolation in which the African and Asian countries have already joined in force.

The rightfulness of the Palestinian cause and the illegality of the Zionist actions must be publicized, so that the Latin American masses can impede the attempts by certain Governments to associate themselves with the imperialist adventures in the Middle East. What would Uruguayan or Colombian soldiers be doing in Sinai? Why would the sons of the Latin American peoples have to go and protect the shady intrigues of Egypt, Israel and Washington?

It should be recalled that the Camp David Agreements were declared null and illegal by the United Nations General Assembly and, consequently, the international force which Washington wants to establish is also illegal.

The United States representative to the United Nations, that arch-reactionary Mrs. Kirkpatrick, during recent travels in the course of which she embraced Pinochet, put pressure on the Latin American Governments to send their troops to make up an international force.

It is extremely urgent to stop the dispatch of Latin American soldiers to the Middle East.

Our entire people, which feels the cause of the brother Palestinian people as though it were its own, will follow with close attention the discussions and the final results of this Seminar, which will, because of its regional character and the participation of outstanding Latin American personages and experts, have a considerable impact on our joint work on this continent.

We shall remember the words of Commander-in-Chief Fidel Castro who said, at the opening of the Sixth Summit Conference of Non-Aligned Countries, (and I quote): "... we are not fanatics. The revolutionary movement has always learned to hate racial discrimination and pogroms of any kind. From the bottom of our heart, we repudiated the merciless persecution and genocide that the Nazis once visited on the Jews, but there is nothing in recent history that parallels it more than the dispossession, persecution and genocide that imperialism and zionism are currently practising against the Palestinian people. Pushed off their land, expelled from their country, scattered throughout the world, persecuted and murdered, the heroic Palestinians are a vivid

example of sacrifice and patriotism, living symbols of the most terrible crime of our era."

We are convinced that your work will be crowned with success. In this endeavour, you may count on the full support and co-operation of the Cuban Government and people.

4. MESSAGE OF CHAIRMAN YASSER ARAFAT TO THE FOURTH REGIONAL SEMINAR ON THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

It gives me great pleasure and on behalf of the Executive Committee of the Palestine Liberation Organization, on my own behalf to address this Fourth Regional Seminar on the Inalienable Rights of the Palestinian People which is being convened in Havana, the capital of friendly Cuba. Our people follow with great interest the deliberations of the seminar which will have a positive impact on the understanding of this question internationally and which will also expose the nazi-like Israeli occupation of our land and its terrorist and barbaric practices against our people in the occupied territories, as well as against the Palestinian and Lebanese peoples and the Arab nation as a whole. I need not remind you of Israel's piracy in raiding the Iraqi nuclear reactor nor its barbarity in Lebanon.

Indeed, repeated events have demonstrated that the Israeli authorities have no respect for resolutions and recommendations of the General Assembly and the Security Council of the United Nations. Moreover, Israel disregards totally all condemnations emanating from international and regional conferences resulting from its violation of the fundamental rights of the Palestinian people. Similarly, Israel has not desisted from committing acts of aggression, terrorism and oppression against the people whose only offence is asserting its legitimate rights which have been recognized by the vast majority of governments, political groups, parties, professional and popular organizations all over the world.

It is evident that all conferences and resolutions have not made it possible for our people to exercise their inalienable rights, including their right to return to their homeland, to self-determination, and their right to establish their independent state on their own historic soil. Nevertheless, our people greatly value the international resolutions and recommendations which support its just cause and which condemn Israel's occupation, aggression and racial oppression. These resolutions constitute an important step towards the realization of the Palestinian aspiration. However, our people confront the Zionist occupation in the only language which a racist occupier understands best, and that is the language of armed struggle and popular resistance at the cost of great sacrifices and suffering.

Despite the great imbalance between our people and the Zionist military occupying entity, the justice of the cause for which we fight makes it possible for us to receive widespread support on all levels and thereby enhance our ability to successfully confront the enemy and increase its isolation.

Comrades and friends,

The most recent vicious attack on Beirut and Lebanon which resulted in enormous loss of human life and property destruction confirms beyond any doubt that we are facing a power whose barbarity is boundless. Israel committed aggression against a sovereign state and rained thousands of tons of bombs and rockets on heavily-populated civilian areas; its prime minister boasts that he still has in store other means of destruction - needless of the unanimous international condemnation. This is one more reason why the international community is called upon to rally to the support of the rights of the Palestinian people and their sole legitimate representative, the PLO, and to take more effective measures against the Zionist racist régime, lest the Palestinian and Lebanese peoples be subjected to greater hardships, and the region endangered with grave and far-reaching consequences for the world at large.

Comrades and friends,

We cannot explain the persistent arrogance of successive Israeli governments and their defiance of the United Nations and world public opinion without reference to the limitless support that Israel receives particularly from the United States, which continues to deny the inalienable rights of the Palestinian people and the legitimacy of their representative, the PLO. Further, they stipulate conditions of recognition that are unacceptable, and are at variance with international consensus and practices since, while we respect the United Nations Charter and the Universal Declaration of Human Rights. It is long overdue that world public opinion move with urgency and effectiveness to put an end to the American support for occupation, aggression and oppression in our occupied country and its conspiracy in the genocidal war against our people. At the same time we deem it opportune to recall with deep appreciation the involved support which the Non-Aligned Movement, the Islamic countries and the Socialist Bloc, led by the Soviet Union, continue to give to our just struggle.

Our people look forward to your deliberations and resolutions to further the support for their struggle to realize their inalienable rights and in defeating the adverse designs and practices of Israel as are expressed in the terms of the infamous Camp David agreements.

Comrades, on behalf of the Palestinian people I greet you and wish your seminar every success.

Revolution Until Victory

5. PAPERS PRESENTED AT THE SEMINAR

RETRIEVING PALESTINIAN NATIONAL RIGHTS

Professor Ibrahim Abu-Lughod

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 Arab and Israeli. While this much is known, there is considerable ambiguity, sometimes deliberately fostered, about the precise meaning and implication of this right of self-determination. Various parties to the conflict as well as outside analysts differ in their interpretation of what is entailed by the 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.

II

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/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" and thus do not possess the right of citizenship and ownership of the land or on the other hand, it

views them as culturally affiliated with a broad national community and do not possess a specific national/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 art, 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 obviously 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 Mac Mahon 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 the Mandate system 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. As the contradiction between the reality and theory became more clear, the British became more honest in stating and pursuing their intentions. It was Duke Devonshire, the Undersecretary 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 is 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 have no right to national independence. Subsequent British policy in Palestine, regardless of its many ambiguities, was clear on this point.

From the standpoint of the Palestinian people, it is clear that their 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 it to 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 national 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 was led by the then universally acknowledged leader of Palestine, Musa Kazim al-Hussaini. The Delegation presented the Palestinian demands to the Secretary of the Colonies, none other than the late 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 which Britain followed in rejecting 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 to deny the legitimacy of the political programme espoused by the leadership. In responding to the demands of the Palestinian leader-ship, Mr. Churchill, in a long statement addressed to that leadership (which incidentally he refused to meet just as the various American administrations have consistently refused to meet with the Palestinian representatives 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 any 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 constitutes 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 pitted 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 and acknowledged its legitimacy. Today, an important component of the Palestinian national consensus is that the Palestine Liberation Organization 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 Palestine Liberation Organization. Even powers that are outside this broad international consensus grudgingly accept the Palestine Liberation Organization's representative character. The United States, which has assumed the role of a principal protagonist of Palestinian aspirations and the Palestine Liberation Organization 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 their 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, to 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 representatives of the Palestinian people. It is this combined violation of the fundamental rights of the Palestinian people which account for the moribundness of the Camp David Agreements.

III

The Palestinian people have been struggling for the past 60 years to maintain their national/territorial identity as a Palestinian people, to give rise to an independent national state on their historic soil and to be governed by their own people. In a sense these three elements constitute the core of the Palestinian consensus of 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, which identified the means of attaining these goals and endeavoured to obtain Arab support for their 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 and 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 and in their pursuit of their goals they have received substantial international support. In 1969 the United Nations recognized the Palestinian right to self-determination and endorsed their right to engage in armed struggle to attain their right. In 1974, the United Nations recognized the Palestinian right to independence and sovereignty in Palestine; and historically the United Nations acknowledged the Palestinian right to return to their historic soil. In the same year, the United Nations acknowledged that the PLO is the legitimate representative of the Palestinian people.

Thus, the Palestinian identification of their Fundamental Rights as entailing their right to national identity, to national independence in Palestine, and to their own representatives is in conformity with the United Nations' identification of those rights.

THE NATURE OF THE PALESTINE LIBERATION ORGANIZATION: THE IDENTITY

Professor Bayan Nuwaid Al Hout

When the Palestinian National Council (PNC) was held in Jerusalem, on 28th May 1964, to proclaim the establishment of the Palestine Liberation Organization (PLO), the PNC adopted a national covenant, and a constitution known as "the Fundamental Law". This constitutional status was achieved by the Palestinians for the first time in their contemporary history. The Palestinians never had such an opportunity before; neither when they were under the British Mandate, nor in their diaspora ever since 1948.

During the Mandatory period, the British Laws referred to the Palestinians by the most odd term such as: "the natives", "the non-Jews," "the Christians and Moslems", but never by their natural and historical name as a people, i.e., "the Palestinians", or "the Arabs of Palestine." Thus, the British Government, in harmony with its commitments to the Zionist Movement and its colonial aspirations, did not only deprive the Palestinians from their rightful identity, but more than that it refused to recognize their origins as part of the Arab Nation. In the diaspora, the Palestinians were referred to as "the refugees", or the "stateless people". Later on; when they started their National Liberation Movement, they were referred to, and by the same Zionist and colonial sources as "terrorists"!

At the beginning of July 1981, when the UN issued a cease-fire in the South of Lebanon between the Palestinians and the Israelis, Mr. Philip Habib the US President's envoy to the Middle East was asked in Israel: "who agreed on the cease-fire?" "Israel", he said, and was on the verge of saying "and the Palestinians", when he stuttered a bit, searching for another term. Then he said finally: "Israel and the other parties involved". This was witnessed by TV cameras and press correspondents.

Those Palestinians who were referred to by all kinds of adjectives except their proper name, those unknowns and unrecognized by the former Zionist-British policy, and later its inheritor, the Zionist-American policy in reshaping the strategy and geography of the Middle East, only according to the Zionist' aspirations and dreams for "Greater Israel", were the very ones who managed to challenge all those offensive racial and colonial plots, by meeting in Jerusalem in 1964 and declaring to the whole world that they are still there, and they are a people, and they are called the People of Palestine.

The first two paragraphs of the introduction of the National Covenant read as follows:

"We, the Palestinian Arab People, who waged fierce and continuous battles to safeguard its homeland, to defend its dignity and honour, and who offered all through the years continuous caravans of immortal martyrs, and who wrote the noblest pages of sacrifice, offering and giving.

"We, the Palestinian Arab People, who faced the forces of evil, injustice and aggression, against whom the forces of international Zionism and colonialism conspired and worked to displace it, dispossess it from its homeland and property, abused what is holy in it, and who in spite of all this

refused to weaken or submit".

The Covenant included 29 articles dealing with the Palestinians' legitimate national rights, aspirations, mottos, goals and principles for the liberation of their country. Three articles focussed on the Palestinian identity as follows:

"Article 5 - The Palestinian personality is a permanent and genuine characteristic that does not disappear. It is transferred from fathers to sons.

"Article 8 - Bringing up Palestinian youth in Arab and nationalist manner is a fundamental national duty. All means of guidance education and enlightenment should be utilized to introduce the youth to its homeland in a deep spiritual way that will constantly and firmly bind them together.

"Article 11 - The Palestinian people firmly believe in Arab unity, and in order to play its role in realizing this goal, it must, at this stage of its struggle preserve its Palestinian personality and all its constituents. It must strengthen the consciousness of its existence and stand against any attempt or plan that may weaken or disintegrate its personality."

The Palestinians never surrendered to the attacks on their identity. They never accepted the fate of an uprooted refugee people. Their main struggle throughout their lives, whether under the British Mandate, or in their occupied territories and in the diaspora, was to preserve their own characteristics as a nation, and inherit them to their sons and grandsons.

This paper attempts to clarify the concept of the Palestinian identity and its utmost importance as a uniting factor among the Palestinians. In order to realize the main obstacles and difficulties, the PLO has to face a historical stand.

.....
The core of the Zionist-British plot that had started with the Balfour Declaration in which Mr. Balfour, on behalf of the British Government promised the Zionist Movement, in 1917, to offer

Palestine as a homeland for the Jews of the world,(1) and ended by the creation of Israel in 1948, had to be based, on the most challenging false pretence promoted by the Zionist Movement that "the Jews are people without a country and Palestine is a country without a people." Thus the British Government had to adopt a policy of complete denial to the existence of 700,000 Palestinians, according to the estimation of the Ottoman authorities at the beginning of the World War I. Only 8% of the whole population were followers of the Jewish faith. And thus, one of the major headaches of the British Government was how to convert a minority to become a majority, and consequently the dominant factor in the determination of the fate of the country! Palestine, according to the Balfour policy must become an open country for all Jews from all around the world without any restriction whatsoever. Those immigrants, new comers to Palestine who have nothing in common among themselves except their religious faith were to be looked upon as the precursors of a new nation to emerge, and as the pioneers of a new state to come replacing Palestine. Ever since then until now, Israel faces a challenge to all concepts and theories of nationalist states of the 19th century Europe. This in a way, is the other side of the coin of the Palestine Question. More Jewish immigrants to Palestine meant more Arab Palestinians to be displaced.

An Israel to be established meant a Palestine to be wiped out from the map.

A state to be built on occupied territories by actions of violence, terror and war, meant a return to the rule of the jungle and the survival of the strongest. It meant as well a new holocaust, carried out this time by the Zionists, and not by the Nazis.

What happened in Palestine in 1948, in Deir Yassin, and later in Kebya and Kufir Kasen, and what is happening now in 1981, the Israeli genocidal war waged against the Palestinians without any discrimination between civilian and military people, is not much different from what Hitler did to the Jews in Auschwitz and Dachau. One difference should be noted though, and that is that this new Nazism is operating with the blessings of the so called western democracy.

In the year 1921 the first Palestinian delegation to London met twice with Mr. W. Churchill, who was at the time Secretary of the State for the Colonies. In both meetings that took place, Churchill refused to recognize the members of the delegation as representatives of their people. How could he recognize them when he did not believe that their people existed. He was clear and blunt in explaining the Balfour policy in Palestine as the "holy" policy of Great Britain.

A member of the delegation, in the second meeting, on 21st August 1921 said to Churchill:

- "If we were able to convince the Government that the Balfour Declaration or that the two parts of the Declaration are contradictory, and that the rights of the Arabs cannot be safeguarded with the first part of the promise, it would not be a "shame" for the Government to carry out justice.

"[Churchill] - But we should not be convinced on that point. You would not convince us.

"[Delegation] - If we were able to prove that the two are contradictory, then that would be a sort of excuse for the Government.

"[Churchill] - But the Government does not want any excuse. It wants to see the Balfour Declaration carried out. It wants to see Jews developing and fertilising the country and increasing the population of Palestine more numerous than at present, and it is a great pity that there are not more people dwelling there and more wealth there instead of being occupied by a few people who are not making any great use of it." (2)

The same delegation asked Major Young two days later at the Colonial Office:

"Is there an arrangement with the Zionist that the High Commissioner should always be a Zionist?"

"[Young] - ... I can assure you that H.M. Government is determined that the High Commissioner shall always be a Zionist, but that does not necessarily mean that he will be a Jew. The representative of H.M. Government, of course, must carry out the wishes of H.M. Government. I am a Zionist because I am a servant of H.M. Government." (3)

The quotations mentioned above indicate to what extent the Palestinians were ignored as a people; other quotations prove how much they were ignored as Arabs. This is a summary of Ormsby-Gore's speech about the Arab National Movement at one of the Zionist Political Committee's meetings in London on 16th August 1918:

"The true Arab movement really existed outside Palestine. The movement led by Prince Faisal was not unlike the Zionist movement. It contained real Arabs who were real men. The Arabs in Trans-Jordan were fine people. The west of the Jordan the people were not Arabs, but only Arabic-speaking. Zionist should recognize in the Arab movement, originally centered in the Hejaz, but now moving north, a fellow movement with fine ideals which had for its aim the rehabilitation of the Arab nation, and restoration of Damascus as a centre of Arab learning and culture." (4)

This Zionist praise and admiration of the Arabs and their culture in the year 1918, was nothing more than a deceptive statement aiming to isolate the Palestinians, and deprive them of their national Arab aspirations. The proposals of the Zionist Organization submitted to the Peace Conference at Versailles on 1st January 1919, indicated nothing of the Zionist admiration mentioned above of the Arabs. On the contrary, they indicated the nature of the Zionist Movement as a hostile movement towards all the Arabs, and not only the Palestinians. The Zionist proposals suggested that the boundaries of the Jewish National Home in Palestine should include as well, the whole of Trans-Jordan, and parts of Lebanon, Syria, Hejaz (Saudi Arabia) and Egypt. (5)

Summarizing the Balfour policy, the following are the main points:

- Palestine does not exist any more; the name exists only for an administrative necessity and for a transitional period.
- Palestine never existed in history. The World should be convinced on that point by all means. Historians and writers are supposed to be at the service of the Zionist policy.
- Palestine is a desert. The so-called Palestinians are Beduins who do not deserve a generous agricultural country and the Holy Land. Those who deserve it are the Jews only.
- The so-called Palestinians who are less than three quarters of a million can be easily oppressed. They should not be given the chance to advance, or stand on their own feet.
- A homeland for the Jews in Palestine is a necessity not for the Jews alone, but for the West as well. The future Jewish State should be an oasis

of modern democracy based on western way of life in this part of the World, this Oriental Moslem backward area. (6)

The "Palestine Mandate" which was adopted by the League of Nations on 24th July 1922, is made up of 28 articles in which the recognition of the Jewish National Home was the main issue. The "Palestine Mandate" was nothing more than a detailed statement of the famous short Balfour letter, a statement which legalized for the Jews all means of growth and development., and gave them free hand in immigration, purchasing of land, education and even military training in special camps, while equivalent rights were denied to the Arabs; and due to this lack of the Mandate jurisdiction, the establishment of the Arab institutions had to follow the old defunct Ottoman Laws.

The Arab Palestinians never gave up their struggle to preserve their human and national rights, against the illegal immigration and its growing force and colonization. Strikes, uprisals and revolts practically never stopped in Palestine until the break out of World War II. In 1936 the famous six-month strike followed by the brave revolt which lasted until 1939, caused a great deal of trouble to the British Authorities; the Colonial Office described those three years as "the state of disorder". Continuous reinforcements arrived into Palestine to help the armed police and the units of Royal Air Force in suppressing "the disorder". A Martial Law was issued, and according to this Law, any unauthorized person (Arab) found possessing firearms was made liable to summary execution. Any house in any village or town suspected of having taken part in an attack, or suspected of harbouring the rebels, was demolished. Not less than fifty thousand were imprisoned, among which were political leaders, commandos and ordinary people. About one hundred and fifty people were hanged. (7) It is very important to state here in this respect that Israel is using the same "law" in the occupied territories, in the West Bank and Gaza.

Approaching the end of World War II, the British being aware of their failure towards the Palestinians had to change their tactics. The non-Jews who were also considered non-Arabs at the end of the World War I, were to be looked upon as Arabs from now on. Their Arab national aspirations which were ignored all through, could be used against them today. Consequently a political body should be created to take care of their cause, but should be as well under British control. Thus a new entity for the Arabs, all the Arabs had to come into existence and deal with those who dream of unity and freedom. This was how the British Ambassador and General Clayton planned for the Arab League, a political platform of an Arab identity at front, and of British domination behind the screen.

The Covenant of the Arab League was signed on 22nd March 1945 by representatives of seven Arab states, most of which were newly independent and very much keen on their independence. The result was a covenant that emphasized the Sykes-Picot political map instead of paving the way of Arab unity. On the other hand it included a special appendix relating to Palestine which stated:

"...in view of the special circumstances of Palestine, and until such time as this country shall enjoy de facto exercise of independence, the League Council shall take upon itself the responsibility of selecting an Arab delegate from Palestine to participate in its proceedings."

The Arab League Council, nominated on 12th June 1946 the Palestinian political leadership. known as the Arab Higher Committee of Palestine (AHC). It is significant to note here that the former AHC of 1936 emerged under the pressure of the national committees that led the famous strike and revolt, and the Mufti of Jerusalem, Haj Aminel-Husseini was called by the popular conference of the national committees on 7th July 1936 to be the Chairman. In 1946 the story was different. The Mufti who was all through looked upon as the national hero of Palestine, and as one of the most prominent Arab and Islamic leaders, could not be ignored as the head of the new AHC. The Arab press presented him as the new Salah el Din (the liberator of Jerusalem from the Crusaders). His respect among the masses was still high, but it was not high enough within the frame of the Arab League. Minutes of the Arab League meetings which are not yet published, prove that most of his proposals were rejected. Besides, the Political Committee for Palestine Affairs established and supervised by the Arab League Council was the official policy maker and not the AHC. The Mufti himself was given the privilege to participate in this committee as one of its members! So, it is obvious that this new institution, the Arab League, was meant to replace the Palestinian leadership.

After the tragedy of 1948, resulting in the loss of a great part of Palestine and the diaspora of more than a million citizens from their only homeland, the Colonialist-Zionist policy intensified its efforts to convert the whole political problem into a humanitarian one, a problem of refugees. It succeeded to a great deal and to the extent that the UN General Assembly deliberations about the Palestine Question stopped discussing the basic issue and became content to hear a report from the UNRWA about the very humble aid needed or given to the Palestinian victims.

The Palestinian famous tragedy is that they are a people whose land was usurped in 1948, and who were obliged to leave their country and suffer all the miseries of an uprooted nation in diaspora. In fact, the hidden tragedy is bitter and deeper. The land was not the only Palestinian object that was attacked. The Palestinians of 1948 were not the only Palestinians displaced and humiliated. The Balfour denial policy carries on to wipe from history all the ancestors that lived and died in the country for centuries, and to deny as well all the generations to come. This policy against the Palestinian children in diaspora aims at making them forget Palestine through then misery. The Zionist machinery is always after them, wherever, they are, after them as human beings, after their heritage, their traditions, even their folklore and their way of life. Hundreds of examples are available, especially when the Israeli laws and treatment towards the Arabs in Israel is concerned. The climax of this policy is that Zionism aims at cancelling from the modern political history the word "Palestinians", after it assumes that it had already wiped out the word "Palestine".

The Zionists and their allies were betting wrongly on the passage of time, hoping that a second or a third generation of Palestinians living in the diaspora will forget the tragic mishap and get lost in this world. The whole world today is witnessing how wrong the Zionist were.

In their diaspora, the Palestinians became more attached to their homeland and to anything related to it. Every child born outside Palestine, never refers to his present residence as his place of origin. He refers to his father's or grandfather's land which he had never seen, and very much longs to go back to it.

The Palestinians in the diaspora as well as in the occupied territories never left the Zionist free to carry out their plans of forging history and stealing their heritage. Within their very limited sources, compared to the Zionist, they managed to show the falseness of all the Israelis' lies and pretences.

Obviously such a struggle between the Palestinians and the Israelis could not be isolated from the rest of the Arab countries. One may say that the Question of Palestine became a serious headache for the local Arab Governments and leaders, but surely, on the level of the masses it became the most important incentive for their struggle to achieve unity, freedom and development. Even, at the official level, not a single Arab leader dared to wash his hands of his national responsibilities towards Palestine and the Palestinians. So many coups d'états, took place in so many Arab Countries, used Palestine and its question as a primary and essential pretext. Doubtless, some Arab leaders were sincere and some others were only trading with the national cause to fulfill their personal interests.

It is not the purpose of this paper to dwell in any detail on the Arab-Israeli conflict and the development of the Palestinian armed political struggle that has obviously left its impacts on the political life of the area, but it is worthwhile noting that the Palestinian youth identified themselves with the growing Arab national trend and found their way to serve their cause through Participating in the ideological and political parties within that trend.

The famous Arab hypothesis of the fifties was that the Arab unity paves the way back to Palestine. That's why the Palestinians were the most unhappy and the most heartily wounded among the Arabs, when the failure of the Union took place between Egypt and Syria in 1961, and that encouraged them and pushed them to look for a new hypothesis.

The hard years of the early sixties have come out with two contradictory trends. The trend of the Arab official policy that flourished in the Arab Summit Conference in February 1964 and led to the establishment of the PLO, and the other trend of the numerous underground Palestinian fronts and groups formulated on revolutionary basis that led to the emergence of the Palestine Resistance Movement (PRM).

All the Palestinians in fact realized the utmost necessity of establishing an entity of their own. This main issue was never disagreed on. Disagreement was on the possibility of achieving real independence and efficient democracy within this entity. How could that be achieved while most of the Arab régimes could not be listed as democratic states.

In spite of this contradiction, some of the Palestinians were very optimistic, especially those who have never underestimated the importance of Arab Summit Conferences with the presence of a President like Nasser, whose national visions would form a sort of a guarantee that the PLO would not face the same fate of the AHC in the earlier years.

But the most optimistic among those Palestinians – even before the Arab defeat of 1967 and the Israeli occupation of the whole of Palestine – could have never imagined or visualized the success the PLO has already achieved on the Arab and international levels.

The PLO has developed from an organization accused by some of the Palestinian radicals as a bureaucratic traditional organization, into an efficient democratic revolutionary organization. It has developed from an organization which had to strive for the recognition of its own people into an organization

recognized by the Arab States and the majority of the States of the World as the sole legitimate representative of its people. This international recognition of the PLO was neither a free gift nor a result of international policies. It was achieved by the PLO's struggle to earn it, and that was a very long and severe struggle, particularly among the Palestinians themselves. Before 1969, the PLO was looked upon by the majority of the Palestinians as a partial group whose only credibility is drawn from the fact that it was the only group recognized officially by the Arab States. In 1969, a turning point took place, when Yasser Arafat, the official spokesman of Fateh, the largest freedom-fighting group was elected the chairman of the PLO. At this stage the PLO had to undergo a lot of development in all aspects: political, military, ideological and otherwise. But ever since that time the Palestinians started to carry one name, with one title, and that is the PLO.

It is very significant to notice that all those developments within the PLO took place under very difficult and harsh circumstances emerging from the continuity of the struggle against Israel, and the marginal confrontations with some Arab régimes.

In 1970-71 the PLO survived a major confrontation in Jordan which aimed to liquidate it. Later on the PLO had to survive several other ordeals in Lebanon against some local right wing pro-Israelis, and two wars against Israel in 1978, and in 1981. The net result of all these ordeals was that the PLO came out more powerful, and with deeper roots among its people and allies.

The Palestinians, and especially at the leadership level, have always shown great confidence in their struggle, and have continuously expressed their hopes about the future. This general phenomenon aroused my curiosity in 1972, which is considered one of very tough years in the life of the PLO. It was newly emerging of the Black September in Jordan and suspecting other Septembers in Lebanon; besides, Nasser had already died two years ago, and the Arabs in general were not at their best. At that crucial time, when the Palestinian Leadership seemed to be unexpectedly the most sure of itself and the most hopeful in future, I arranged to interview twenty two leaders, addressing to them the same questions about the ideology, tactics and strategy of the PLO (which most of them still referred to at the time by the PRM).

Analysis of the interviews is not published yet, but since we are concerned here with the issue of identity, it is highly significant to state that all the leaders without any exception, and regardless of their ideological backgrounds and expectations, have emphasized that "identity" is the main incentive factor in their revolutionary movement. The following passages are quoted from their answers in response to a question about the main motives for their participation in the revolution.

Salah Khalaf (Abu Iyad) of Fateh said:

"The Palestinians who have passed the stage of hunger, have not passed the stage of instability. That was the background of the majority of Fateh".
Ahsmad Yamani (Abu Maher) of the Popular Front for the Liberation of Palestine (PFLP) said:

"The national feeling comes first, then the class motive.

"I remember I was twelve years old in 1936 when my father, who was a poor peasant, sold the only cow he had to buy a machine gun. The price was thirteen Sterling. I also remember another day when the British soldiers attacked our village and tortured my father in front of us, then took him into jail. Our story is very simple: we fight for our national cause and dignity."

Mohammad Yousef Najjar (Abu Yousef) of Fateh said:

"A human being without a homeland is an unworthy person and never respected on human and social levels. May Palestinians have the opportunities to lead a high standard of living, but still, they remain refugees, the only solution was revolution."

Chafiq al Hout of the PLO said:

"To me personally the question is a mere surprise. To ask me: why do you fight for your country, is exactly as if you ask me, why do you breathe, or why your eyes are brown? If for no other reason I had to fight for the identity of my kids who never stopped asking me: who are we daddy?"

Abd al Karim Hamad (Abu Adnan) of the Democratic Popular Front for the Liberation of Palestine (DPFPL) said:

"The national feeling is the most important one. Since 1956, we have been in Lebanon subject to what was called the "precautional imprisonment."

The maximum worst was between 1958 and 1967; they used to gather us and throw us in jail without any charge and for no reason, except for being "refugees" who have no immunity which other people have as a matter of fact."

Kamal Udwan of Fateh said:

"Personally, I am motivated by the feeling and truth of having an identity. I was in a very good financially status when I joined the fight for the cause. My problem before that was where to spend my vacation?"

Zuheir Mohsen of Sa'iqa said:

"National feelings to restore the land and the Arab dignity come first. The problem of the Palestinian was that he was unable to answer such questions as: who am I, where do I belong and where will I live. When they are after me in Jordan, I escape to Syria; again they follow me in Syria. I escape to Lebanon. What is the solution? My family is in the occupied territories and the Israelis have one solution for me and that is to accept my fate as it is, an obligatory external exile."

Ali Salameh (Abu Hasan) of Fateh said:

"The Resistance Movement is a substitute for the land to me. The Palestinian fights to gain respect. As long as I fight, I feel I am respected. I am not sure when Palestine will be liberated, but still, I fight because the slave does not fight, and I am no more a slave.

"Before 1967, the concept of the Palestinian was that of an unrespected, unprotected, dishonored fugitive who sold his land. I reject to be that man. "Thousands of times, people pointed at us, or whispered: 'that one is a Palestinian refugee'. Oh! my God! the whisper tortured me: "that one is a Palestinian refugee."

I can never forget one day I was a teenager, and I had to deny my identity. I was afraid of saying I am a Palestinian to a group of vagabonds, so, I said that I was a Syrian.

"Going back to Haifa is not the problem. The restoration of the identity is the problem. For me, to be proud of my identity and my national feelings and aspirations is the problem. When I die in the battlefield, I know that such a death gives my son enough pride in being the son of a Palestinian."

With the deepest regret, four leaders out of the seven quoted above have been assassinated by the Israelis, namely: Mohammad Yousef Najjar, Kamal Mdwan, Zuheir Mohsen and Ali Salameh.

The clarity of the Palestinians thoughts on the identity aspect, is accompanied with:

a - their continuous military steadfastness, especially in the South of Lebanon where they stand in the same trench with their allies of the Lebanese National Forces and,

b - the pragmatic relations between them and the rest of Arab régimes and,

c - the recognition of the PLO by the Arab Summit Conference in 1974, in Rabat, as the sole legitimate representative of the Palestinian people, with full official status as a member of the Arab League like any other state, and the credibility of the PLO as the maker of its own political resolutions and,

d - the continuous growth of democratic traditions governing all kinds of political deliberation within the PLO's institutions, particularly at the NPC level.

All these factors have helped in the development of a new pattern of thought in the Arab World. If allowed to survive, they may create a substantial change from all older patterns. The PLO's revolutionary thoughts and practices appear to liberate the Arabs from their static and stalemate notions and confined political and social concepts. (8) The Palestinian - Lebanese revolutionary and national unity at present might just be the beginning of a bigger unity.

To conclude, the Palestine Question is the geographical title of the Arab Question, and it has been an Arab Question ever since the Basle Conference in 1897, the Zionist strategy adopted at the Conference claimed Palestine as the first station of the new world of Greater Israel. At first, it was the Palestinians only who had to face the cunning and hatred of the Zionists. It is obvious that the Zionists consider that all the Arabs are their enemies. And not until all the Begins of Israel are gone, any peace settlement could not be possible in the area, and the so-called "Middle East crisis" will remain unsolved. Strange enough, the "Middle East" as a political term was first used by the British foreign policy after World War I to avoid using the proper term, "the Arab World". Again, the American foreign policy uses the same term today to avoid mentioning the Palestine Question, which is at the root of

the Middle East crisis.

Nationally speaking, the PLO has been the most progressive party in the dilemma of the Middle East, because it offered its solution through its vision of establishing a free Palestine where all citizens of Palestinian origin, Muslims, Christians and Jews would live together in a democratic secular state.

Fateh's concept of the future Palestine is more practical since it included:

"... All Jewish Palestinians - at the present Israelis - have the same right, provided of course, that they reject Zionist racist chauvinism, and fully accept to live as Palestinians in the New Palestine. The Revolution therefore rejects the supposition that only Jews who lived in Palestine prior to 1948 or prior to 1914 and their descendants are acceptable. After all, Dayan and Allon were born in Palestine before 1948 and they - with many of their colleagues - are diehard racist Zionists who obviously do not qualify for a Palestinian status. Whereas new comers may be anti-Zionists and work for the creation of the new Palestine." (9)

Does this contradict with the Bi-State solution that Israel and the USA keep on reminding the world public opinion of their absolute rejection to it? The PLO negated any contradiction at the Ninth Annual Convention of the Association of Arab-American University Graduates held in New York in October 1976:

"If there is any hope at all that two separate states could be established in the same country, this will have to be preceded by the establishment of a progressive régime in Israel. Such a régime does not necessarily have to be communist or socialist; but it will have to be, at the minimum, non-Zionist. If such a transformation does occur, Israel's Jews and Palestine's Arabs will discover that partition will be nothing more than a transitional step toward the establishment of a unitary democratic state. A truly democratic state is the only effective guarantee for political and economic independence." (10)

Among the earliest and most popular mottos which covers all the walls in Palestinian refugee camps, one says: "Hawiyati Bunduqiyati", which could be translated into either "My Identity is my rifle", or "My rifle is my Identity." Which way it is perceived, one can easily find out the depth of the relationship between the Palestinians' armed struggle and their yearnings for the restoration of their robbed Identity.

If history has witnessed certain mishaps in which certain countries were occupied and usurped, and certain people were totally or partially annihilated, one feels that the present struggle of the Palestinian people will be looked upon in the future as a turning point in man's struggle which will make it impossible for such tragedies to occur again.

Notes

1.- The Balfour Declaration on 2nd November 1917 states as follows:

"His Majesty's Government views with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object; it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the right and political status enjoyed by Jews in any other country".

2.- Watha'iq al Haraka al Wataniya al Filistiniya (Documents on the Palestinian National Movement, 1918 - 1939: Abram Zu'ayter's Private Papers and Documents), edited by Bayan N. al Hout (Beirut: Institute for Palestine Studies, 1979), p. 133.

3.- Ibid., p. 139.

4.- FRO. FO. 406/40 as quoted in Palestine papers: 1917-1922, compiled and annotated by Doreen Ingrams (London: John Murray, 1972), p. 33.

5.- Boundaries for the future Palestine were proposed to the Peace Conference by the Zionist delegation as follows: "... In the North, the northern and southern banks of the Litany River, as for north as latitude 33° 45'. Thence in a south-easterly direction to a point just south of the Damascus territory and close and west of the Hedjaz Railway.

In the East, a line close to and west of the Hedjaz Railway.

In the South a line from a point in the neighbourhood of Akaba to El Anish.

In the West, the Mediterranean Sea" (FRO. FO. 371/3385 as quoted in Ibid., pp. 52-53).

6.- On the three dimensional roots of Palestine as an Oriental Arab Islamic country totally misunderstood throughout the Western thinking, see the series of Edward W. Said,

a - Orientalism (New York: Pantheon Books, 1978); b - the Question of Palestine (New York: Times Books, 1980); c - Covering Islam (New York: Pantheon Books, 1981).

7.- On the Arab revolt 1936-1939, see Robert John and Sami Hadawi, the Palestine Diary, 1914-1945, Vol. I (Beirut: The Palestine Research Center, 1970), pp. 253-294.

8.- On the political and ideological impact of the Palestinian Resistance Movement on the Arab World, see Walid W. Kazziha, Palestine in the Arab Dilemma (New York: Barnes and Noble Books, 1979), pp. 15-38.

9.- Fateh II, No. 2 (January 19, 1970): 10 as quoted in Paul A. Jureidini and William E. Hazen, the Palestine Movement in Politics (Lexington, Massachusetts: Lexington Books, 1976, p. 32.

10.- Chafiq al-Hout, "Toward a unitary Democratic State." Journal of Palestine Studies, VI: 2 (Winter 1977), p. 10.

THE PERCEPTION OF THE PALESTINIAN QUESTION IN LATIN AMERICA

Juan Abugattas A.

1. Preliminary Words

The main purpose of this brief paper is to try to sketch the history of the perception of the Palestinian Question in Latin America. To do so, I shall primarily focus on the discussions which have taken place and take place in the mass media and in open fora, such as political meetings and congresses, as well as on the public statements and programs of political parties, social, cultural and human rights organizations. I will do so, on the assumption that this is the best way to detect the changes experienced by the collective consciousness of a people regarding the way in which a certain issue is perceived.

Actually, if one takes into account the frequency with which it is discussed, one will have to conclude, concerning Latin America's interest in the Palestinian Question, that, in the last few years, it has grown considerably, up to the point of being one of the few issues invariably included in most conversations and studies about global affairs. As we shall see later, this fact does not in itself indicate that a particular point of view is becoming prevalent: nor does it mean that the Palestinian Question has the same meaning or significance for all those who think and talk about it, rather, it simply indicates that many sectors of Latin American society are beginning to become aware of the fact that the resolution of that seemingly remote conflict, and the ways in which it is handled by the Great Powers could, immediately or in the near future, affect their own interests. This conviction, as far as I can see, is not, for the most part, the result of general considerations concerning the present state of the world, nor is it the consequence of the propagandistic efforts and the systematic press campaigns of the parties directly involved in the affairs of the Middle East. Certainly, such campaigns have taken place and they have had some effect, have had some effect. But the launching of these campaigns are the effect, rather than the consequence of the growing interest of Latin-Americans in the problems of the Middle East, generated as the result of certain experiences which show them that their future and that of the other peoples of the Third World are linked together in more than one way. The characterization of these experiences, and the explanation of how it came to be that the Palestinian Question became a matter of special concern to many Latin Americans, is the topic of this paper.

2. Latin America and the Arabs: Old and New

From a purely quantitative point of view, it is really hard to see why the future of the Palestinians should concern any one but themselves and, perhaps, the other Arabs. After all, the Palestinians are only four and a half million scattered individuals (less than the population of any major Latin American city), who have lived for centuries under one kind or another of foreign rule. In the particular case of Latin America, to this quantitative fact one had to add, until recently, one not less brutal, namely, that most of the inhabitants of this continent were simply not aware of the existence of the Palestinian people. That in spite of the fact that many Palestinians have been living in these parts for several generations. But, for the longest time, the real identity of the Palestinian immigrants to Latin America remained blurred or hidden by a legal and historical accident, to wit, that they arrived carrying Turkish passports, and that, due to this, they became everywhere known as "the Turks".

A rather cruel joke to endure, indeed, if one considers that the first Palestinian immigrants came to America precisely in order to escape the hardships of Turkish domination and the persecutions and discrimination of which they were victims because of their religion. A similar fate awaited the Lebanese and Syrian immigrants who arrived at about the same time as the Palestinians.

Regrettably, not many accounts, if any, have been written concerning Arab migration to America. Only recently, indeed, the 'Turk' has started to appear as a familiar figure of city life in the literature of some countries, mainly Brazil and Colombia. What little is known of these first periods, i.e., the first two decades of this century, is part of the oral traditions still preserved by the families and descendants of the original immigrants.

To some extent, though, this obscurity is due to the almost absolute lack of interest shown by the immigrants themselves to remind people of their origin. Most directed their efforts to try to assimilate themselves to their 'new countries', as evidenced by the fact that the vast majority of their children and grand-children are unable to speak and, even, to understand Arabic. I would venture to suggest, that if most Arab immigrants did not altogether sever their ties with their 'old countries' this was simply because of the special nature and structure of family ties in the Middle East. The ties they preserved with their homelands were not 'national' ties, they were not even 'cultural', they were merely family and, in some cases, property ties.

I would not mention these well-known facts, if I did not consider them crucial to understand the unusually small efforts undertaken initially by the Palestinian communities in America to explain the fate of their 'old country' to their fellow citizens.

But there is another element to be considered in this context, which has already been hinted above: the religious factor. A vast majority of first generation immigrants were Christians who came to America escaping Ottoman intolerance. This intolerance, which, seen from the perspective of Muslim history, was a freaky phenomenon, left, nonetheless, a deep mark on the minds and hearts of many Christian Arabs. This mark has only recently started to be erased with the help of time, education, and, mostly, the example of peaceful coexistence and tolerance which the sons and daughters of Palestinians living in America are witnessing among the Palestinians living in the Middle East. At any rate, their resentment and their lack of education prevented the first immigrants from attempting any systematic effort to spread the interest in Arab culture and traditions among their new countrymen. This is not to say, of course, that there were not very valuable efforts by individuals both to help the immigrants preserve their mother tongue and their traditions, and to generate a concern among the local population for matters concerning the Arab world. But such attempts were isolated and often met with very little support from the immigrant communities.

Thus, these communities were extremely ill-prepared to respond effectively and aggressively to the impressive propaganda campaign launched by the Zionist movement before the meeting of the General Assembly of the UN during which the partition of Palestine was decided. At that time, official Arab presence in Latin America in the form of embassies or other types of diplomatic missions was almost null, and, as far as can be determined, no serious efforts were undertaken by Arab representatives at the UN to stop the Latin-American governments from casting their votes in favor of the resolution. Moreover, the task of the Zionist agents who collected Latin-American votes at the time, was facilitated by the way both the issue of the creation of a Jewish state and the role of the Arab world were generally perceived by the educated strata of the continent. Two factors were mainly at work, to wit, an ancestral disdain for anything 'Arabic' or 'Moorish', which has persisted mostly among the oligarchies and the old ruling classes, and the genuine sympathy for the European Jewish community which many progressive elements of the intelligentsia had developed as the result of the terrible experience which the members of that community suffered under Nazism. To the extent that the Zionists were able to present themselves as the sole representatives of the Jews, they had an easy task to perform trying to sell the idea that the establishment of a Zionist entity would be the best and safest way of preventing a repetition of something akin to the atrocities perpetrated by the Nazis.

The few politicians and intellectuals who, at the time, could have detected the trick, were finally confused by the support that the idea of partition received both from some progressive governments and from some of the main European intellectuals who served as their spiritual mentors. Concerning the Palestinian Question, as concerning many other questions of international politics not directly or obviously relating to their immediate realm, Latin-American politicians have often tended to adopt, almost uncritically, the positions defended and advocated by the European and north-American groups which they consider to be their natural counterparts. Even at the time of the Algerian War of Liberation, individuals who in many other respects professed views generally regarded as 'progressive', showed themselves very reluctant to support the Algerians and to condemn the policies of the French government.

But, still, it is not possible to explain this paradoxical behavior exclusively on the basis of the traditional tutelage that Western opinions have exercised on the minds of many Latin-Americans. These attitudes have deeper roots that have to do with the ignorance of and the disdain for things Arabic mentioned before.

In sharp contrast with Spain, there are in Latin America very few universities and other institutions of higher learning where Arabic language, history and culture are regularly taught as academic disciplines. Without the slightest trace of exaggeration, one can say that the knowledge that most Latin-Americans had of the Arab world until very recently was very poor indeed, and not exempted from prejudice. To the extent that people thought seriously of the Arab world, they thought of its past splendours or miseries, while utterly ignoring the present ones. The Arab world was conceived as a huge wasteland, both in the symbolic and in the real geographical sense, and hence, it was assumed that nothing could be gained or expected from it. Moreover, the average Latin-American felt that there existed an unsurmountable cultural gap between his own Western world-view and that of the Muslims, which made any real communication impossible. So, sympathies tended to lean towards the Europeans and toward those who seemed closer to them.

After the establishment of the Zionist entity, these impressions were reinforced by the writings, speeches and statements of many influential authors and politicians such as Borges, Victor Raul Haya de la Torre, and many others who produced veritable apologies of Zionism, presenting it as a messenger of Civilization in the lands of barbarity, and as one of the most outstanding examples of the materialization of democratic ideals. It is, then against this background that the slowness with which the Palestinian cause is gaining support and understanding in Latin America has to be judged.

3. The Palestinian Problem and the Media

Two elements have traditionally conspired to make the daily press in Latin America deficient in its reporting of Third World affairs: lack of interest on the part of the editors, and lack of resources. The first lack has to do with the kinds of things described above, and it corresponds to a sort of oversimplified Hegelian conviction that history takes place in one area of the globe at the time. The second lack has made the Latin-American press almost completely dependent on North-American and European news agencies. Most daily newspapers simply reprint the cables provided by the international agencies without even bothering to add or subtract anything from them. A few take the time to do some rewriting in order to fit their own requirements regarding style. The occasional columnists who write on Third World affairs derive most of their information from the items received by their newspapers so that, in fact, they limit themselves to coloring the accounts they get, at the most, changing the emphasis here and there.

This dependence has been particularly strong and damaging regarding information about the Palestinian Question. The agencies which regularly feed the international pages of the newspapers are: United Press International (UPI), American Press (AP), REUTERS and France Press (AFP). EFE, the Spanish service, and the Italian ANSA, as well as International Press Service (IPS), are used less frequently. Now, as is well-known, the first three agencies just mentioned have very defined sympathies for the Zionist point of view, and routinely distort every piece of information coming out of the Middle East in order to fit the demands of Zionist propaganda.

In referring in this context to the 'press', I should point out that I mean mostly what is known as the 'big press', i.e., the most important daily publications in terms of their circulation. For the most part, such publications follow political lines generally identifiable as 'rightist' or 'centrist', but there are some that, in regard to most issues, except the Palestinian Question and a few others, defend opinions that could be labeled 'progressive'. Among the small press, including dissident and leftist publications, one can find a wider use of news items provided by IPS, EFE and, even, the Cuban agency Prensa Latina, which are, as a rule, more objective in their reporting from the Middle East and, in some cases, sympathetic towards Palestinian theses.

In general, it has to be acknowledged that, regarding the manipulation of the press in their favor, Zionist representatives and agents in Latin America have been very effective, at least until a few years ago. It can safely be affirmed that they enjoyed a virtual monopoly on the information regarding the Middle East which filtered down to the public for two decades, from the end of WWII up to the beginning of the last decade. This they achieved partly through the control of the news agencies, but also with the help of more direct means.

As it did in other parts of the world, Zionist propaganda projected an image of "Israel" which, if ambiguous in its details, was at the same time sufficiently colored to prove attractive to many different sectors of Latin American society. To the conservatives, "Israel" appeared as the stronghold of democracy and as the forefront of Western Civilization in the Middle East: to the more progressive elements, "Israel" appeared as the land of the 'kibbutzim', and as a working experiment in socialism.

Palestine, it was said, had been transformed from the desert it had been when it was in the hands of the 'Bedouins', into a garden. Of course, nothing was said about the fate of the "Bedouins" that had been living in Palestine before Paradise was established there.

The general Zionist strategy rested on a threefold manipulation: the manipulation of facts, men and language. Concerning the first element, and apart from disseminating illusions, half-truths and fantasies, the Zionists aimed at insuring a unilateral flow of information concerning all Middle-Eastern affairs. This meant, in practical terms, preventing the Arab and, particularly, the Palestinian point of view from being known. Not more than six months ago a respected Peruvian television journalist lost his job as a result of Zionist pressure, exercised through commercial interests and active support from Israeli diplomats, because he cared to air an interview with Yasser Arafat. But such bluntness is only resorted to in cases of emergency. Usually the Zionists are much more subtle, and simply try to play with some of the elements described in the first part of the paper.

For instance, as a rule, the fear from being accused of antisemitism was, and to some extent, still is enough to scare off many persons willing to give serious consideration to Palestinian claims. Moreover, the image of the Arab world as an area inhabited by fanatical and backward peoples, which is carefully and systematically cultivated, creates a natural reluctance among sensitive people in general, and journalists in particular, to defend the Palestinians and the other Arabs, lest they appear as defenders of reaction and primitivism.

The second weapon of Zionist propaganda, the manipulation of men, has also been a very effective one. The most brutal practice in this respect has been the one of hiring well-placed journalists to write or, at least, to sign pro-Zionist and anti-Palestinian statements. In some cases, usually when the anti-Palestinian diatribes are too vulgar, they are printed as if they were news items transmitted by some international agency, the name of which is simply invented.

But men, good and honest men, are also manipulated in other ways, mainly by making sure that they are unable to see the world as it really is. So, apart from resorting to the usual methods of bestowing incessant honors, invitations and praises upon people, the Zionist try by all means to obscure their view. Thus, the Palestinian freedom-fighters and combatants are customarily referred to as 'terrorist' and 'armed bandits', while the Zionist armed elements are described as 'soldiers' and 'forces of order'. Perhaps the most important success of Zionist propaganda is the fact that, throughout Latin America, most discussions concerning terrorism eventually lead to a discussion of the methods of the Palestinian resistance. So, when the dislodged "Bedouin" is finally rediscovered, he has the ugly face of the terrorist.

This Zionist stratagem has been particularly successful in those countries which have experienced or are presently undergoing some sort of violent political and social confrontation. In such cases, the Zionist make a concerted effort to link the Palestinian resistance to the local groups really or allegedly responsible for the violent actions against the established governments.

During the last few years, nonetheless, the Zionist propaganda apparatus is finding it increasingly difficult to maintain its monopolic control over the international pages of the newspapers. This is partly due to some of the political developments that will be discussed later, but also to the effect on the 'big press' of Latin America of some of the efforts made by the North-American and the European press which circulates and is normally read in the continent, to present more accurate pictures of events in the Middle East. When even American magazines such as "Time" and "Newsweek", and European ones such as "The Economist" or "Der Spiegel" attempt to appear 'objective' concerning the Palestinian Question, Latin American editors, who want to preserve the image of seriousness which their publications enjoy, feel compelled to follow the example. But, as remarked before, this is a very recent development, which, moreover, is limited to those countries where there is a minimum of political freedom, and where the governments have not, as is the case in Chile, Argentina, Uruguay, Paraguay, and others, adopted an open position against the PLO and the Palestinian cause.

Also belonging to the recent past, there is another encouraging development regarding the objective reporting on the Palestinian question in Latin America, to wit, the birth of a series of specialized and aggressive publications. There are now at least two serious magazines, both published in Mexico, which inform regularly and accurately on Middle Eastern affairs, namely, "MOI" (Medio Oriente Informa), edited by Gloria Lopez Morales, and "Cuadernos del Tercer Mundo", the Spanish version of which is edited by Neiva Moreira and Gerónimo Cardozo. "MOI" is exclusively devoted to Middle Eastern affairs, while Moreira's publication is concerned, as its name indicates, with Third World matters in general. Nevertheless, both constitute rich and reliable sources of information for a public otherwise deprived of the possibility of getting to know both sides of the story regarding the plight of the Palestinian people. To these publications one has to add the Spanish edition of "Le Monde diplomatique", a monthly newspaper, which regularly deals with Middle Eastern developments in a manner uncommon for Latin America, because of the abundance of factual information it provides.

Increasingly important are the more specialized periodicals which, although few in number and restricted in their circulation, are beginning to exercise a certain impact on small circles of the intelligentsia. Also important are the numerous newspapers, magazines, and periodicals published by the different groups and parties of the left which deal sympathetically with the Palestinian Question and other Arab causes.

The situation in the other media is basically the same as the one just described concerning written journalism. As far as television is concerned, and save for a few exceptions in the form of 'specials' or isolated and, usually, semi clandestine projections of Palestinian films and documentaries, one can safely say that access to it is still effectively blocked to any opinion openly favorable to the Palestinians. Regarding radio, the conditions are somewhat better. For a long time now, there have been special radio programmes in many Latin-American capitals and smaller cities entirely devoted to things Arabic. Most of these programs are administered by persons of Arabic descent, and are primarily conceived for and oriented toward the immigrant communities. Normally they broadcast music and add short commentaries on the last developments taking place in the Arab world. In the last few years, some of these programs have included news sections in their daily transmissions and, in a couple of cases, at least, they have become quite militant in their defense of the Palestinian cause.

4. The changing attitudes of governments and political organizations.

If I had to draw a line of demarcation between the time during which the Palestinian issue was practically ignored by most elements of Latin-American society, and the time when some important sections, including the progressive and more independent-minded political organizations, started to pay heed to it, I would choose the year 1974. For, although the Three Party Aggression of 1956 against Nasser's Egypt, and the Algerian War of Independence arouse some interest and were topics of discussion, these events never became major issues and, except for some isolated instances, most groups and organizations did not consider it necessary to issue formal statements either supporting or condemning the different parties involved in those confrontations. Even the 1967 war did not turn the attention of most people toward the Middle East, and certainly, thanks to Zionist propaganda, it did not have the effect of arousing sympathy and support for the Arab people in general, nor for the Palestinians in particular, of whose plight and participation in the war most were still not aware.

It was only in 1974, as a consequence of Yasser Arafat's now famous visit to the UN, that the Palestinian people and their resistance movement started to be taken seriously in Latin America. Since then, the Palestinian struggle has been one of the inevitable topics of debate in political circles. Perhaps, Arafat's visit would not have had that effect, had it not come after the crucial oil embargo and the 1973 war. Arafat's speech before the General Assembly, which was widely discussed, allowed many to realize for the first time not only the real magnitude of the interests at stake in the Middle East, but also the real political dimension and the nature of the Palestinian struggle, which now started to be perceived as the central question in the whole affair.

But there was another element also, namely, that the reception tributed to Arafat helped many to overcome the myth created by Zionist propaganda according to which the PLO was a terrorist organization.

The second important step in the process which started in 1974, was also due to an event which took place at the UN: the declaration which equated Zionism with Racism. This declaration allowed many in Latin America to take the step forward they had been reluctant to take because of their fear to be accused of practicing anti-semitism.

One has to remember also, that between the final years of the decade of the 60s and the first years of the following decade, several reform minded and progressive governments had come to power both in the Southern Cone and in the Andean Region. Many of these governments joined those of Cuba and Mexico, which had already been actively participating in the Non-Aligned Movement. One cannot exaggerate the importance, in terms of the diplomatic history of Latin America, of the incorporation of some of the countries of the area into the Non-Aligned Movement. That meant that for the first time the Latin American republics were attempting to redefine the traditional parameters of their foreign policy, which until then, had been almost fully oriented toward the US and Europe. In the framework of Non-Alignment the Arab countries started to appear as more likely partners, and the community of interests as well as the potentials for horizontal cooperation were slowly perceived. Furthermore, the massive support which the Palestinian struggle enjoyed among Third World countries, eventually led some of the governments of the region to reconsider their traditional stands toward the issue.

It is in this context that the impact of two other events on Latin-American diplomatic behavior have to be measured: I have in mind the launching of Brasil's African initiative, and the Cuban participation in the wars of liberation of the former Portuguese colonies. The concomitant expansion of Brasil's industrial output and of its energy needs, led the government of that nation to develop a strategy of approachment toward Western Africa, and, eventually

toward the Arab countries. The full impact of these initiatives is still to be felt, but already they have contributed to give a new dimension to Latin American diplomacy.

But, perhaps, more important than the Brazilian initiative, due to the immediate effects it had, was the successful performance of the Cuban troops in Africa, which illustrated the, until then seemingly unreal idea, that effective military cooperation between Third World countries was a feasible enterprise. In recent years, and this time in relation to events taking place in this hemisphere, the reality of this possibility has found further exemplification.

After the 1967 war, the Latin American military developed a certain interest in Israeli military equipment. The Zionist entity, on the other hand, had a vital interest to find new markets for its weapons, and was quite prepared to sell them to the Latin American governments. But, as a matter of fact, these markets did not completely open until, one after the other, the progressive governments of the continent were replaced by right-wing military dictatorships. When Carter came to power in the US and launched his 'human rights' campaign, which resulted in the imposition of some restrictions on the supply of weapons to the military dictatorships of the continent, the Zionist entity saw a great opportunity to become one of the main arm suppliers to this area. This time, the Zionist found no obstacles, since apart from the common interests regarding weapons, they had many ideological similarities and, mostly, many phobias in common with the rightist dictatorships.

Among such dictatorships was the one of Somoza in Nicaragua. The Somoza régime benefited greatly from Zionist support, particularly during the last months of the civil war. This fact was widely known in Latin America, which, for once, was almost unanimous in the repudiation of Somoza. Moreover, after the victory of the 'Sandinistas', another piece of news erupted which was to have an enormous effect on the way Latin Americans, and concretely, the most progressive elements were now to perceive the problem of the Middle East. The news were that the PLO had helped the Nicaraguan revolutionaries achieve their victory.

The lessons were obvious, while the Zionist take sides with the forces of reaction, the PLO is a natural ally of the democratic and progressive forces. Again, the full impact of these events is still to be determined, but some of its effects can already be felt. To start with, the image of the Zionist entity as a democracy has completely been shattered, and there is a greater willingness to accept the correctness of the Palestinian description of that entity as racist, fascist and repressive in nature. "Israel" is now perceived in most circles as a merchant of death. Moreover, the traditional Zionist argument according to which the PLO is a terrorist organization, is now considered ludicrous by most of those who have seen and see "Israel" and not the PLO lending support and arming the worst practitioners of state terrorism in the history of Latin America.

On the other hand, the establishment, in some countries, of PLO diplomatic and information offices is making possible, for the first time, the development of direct ties between it and the different local political and social organizations. The nature of the PLO as a sort of political front, which represents the different tendencies within the Palestinian movement, greatly facilitates this task and allows the Palestinian representatives to move freely along the Latin American political spectrum. Furthermore, the experiences of Nicaragua and Iran, in which the victory of the revolution was possible precisely due to the fact that the opposition organized itself into vast political and social fronts, has given Latin Americans a better understanding of the real nature of the Palestinian resistance movement, and has enabled some of the most recalcitrant groups, both from the right and the left, to drop many of the ideological reservations they had regarding the PLO. Now it is clear to many Latin Americans that the PLO is a veritable 'national' movement and that taken as a whole, it is neither a 'communist' nor a 'reactionary' organization, as Zionist propaganda has variously defined it.

All these developments are having a salutary effect on PLO-Latin American relations. One of the clearest signs that this is so, is the fact that, in absolute contrast to what happened a few years ago when, as said before, the issue was completely ignored, there are now very few political parties and organizations which do not include a statement concerning the Palestinian Question in their general pronouncements about international affairs.

The presence of PLO offices in some countries has been equally important for the process of redefinition of the relation between the PLO and the governments of the area. Many of these governments show now less reluctance to accept the PLO as a normal partner for negotiations, and some have even shown some interest in using the PLO offices as intermediaries between themselves and the Arab world.

Certainly, the PLO could greatly benefit from a more effective and visible Arab presence in Latin America. Except for Chile, Venezuela and Brasil, the Arab presence in the continent is still minimal.

Another, not unimportant effect of the inauguration of PLO offices in some Latin American countries has been the reactivation and consolidation of the Palestinian communities. The offices have acted as a strong cohesive force, which has prompted the members of these communities not only to strengthen and reorganize the associations they already had, but to create new ones. This phenomenon has led the Zionists to accuse PLO representatives of seeking to destroy the traditional friendship between the Jewish and Arab communities of America. In the near future, as the process of consolidation of the different Palestinian communities advances, the use of their human and material resources for the promotion of the Palestinian cause in their respective countries, could prove to be a very important catalyst for the development of stronger PLO-Latin American relations. Meanwhile, the new situation has already created the appropriate conditions to overcome some of the traditional prejudices and misunderstandings explained above. So, although compared to other areas of the world, the understanding of and the support for the Palestinian cause in Latin America are still relatively modest, this reality is rapidly changing and one can expect that the Zionist influences in the continent will continue to decrease steadily. After all, they have nothing to offer to the Latin Americans, except weapons and their own brand of intolerance, both merchandises of which there is already a surplus in the continent.

ISRAELI SETTLEMENTS IN OCCUPIED ARAB LANDS: CONQUEST TO COLONY

Janet Abu-Lughod

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 fourteen years that have elapsed since the initial conquest, Israel, in defiance of the world community, has systematically planned and operationalized 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 subareas 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 had 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 preempted 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 fourteen 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 centers 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 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 Israel 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 subarea, 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 connexions 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.

I

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 this 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 the 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 northeast 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 Tiberias, was similarly available to settlers (Harris, 1980). Since there was little population to be ruled, military law 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 fifteen years. A string of settlements near the Syrian "border" was clearly devised as a border "marker" and as a first line of defense. The settlements near Lake Tiberias, on the other hand, were to constitute a rear guard defense 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 ten 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 mere 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, contain 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 of 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 1800 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 center 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 center 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 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.

II

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 85,000 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 kilometers wide along the river has, over the years, been progressively "thickened", at first to a depth of 15-20 kilometers 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 ten settlements were in place along the first line of defense 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 1800 "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 what they were, to demonstrate the parallel. Sabri Jiryis (1976, especially chapters 4-5 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 an 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 land, thus prohibiting its owners from access. These had an even earlier origin in the British Emergency (Defense) 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 1948-49 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. (See Shehadeh and Kuttub, 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 Kuttub, 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, emphasis added). 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 pass 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 free-hold 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 proportion 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 usufructs 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 legitimating expropriation.

III

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 "Maghribi Quarter" of the old city but virtually all of the surrounding hills as well. In 1958 the population of Israeli-held Jerusalem was 156,500, 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 Palestinian. 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" (MERIP, August 1977:20, emphasis added). The second, presented by the Israel Land Administration, foresaw the construction of a large (25,000 to 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 Yakov northern axis. To the east of Jerusalem a much more serious venture has been taking shape in the form of the Ma'ale 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 eye-witness 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 center 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 immediately and drastically alter 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 southwest - 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.

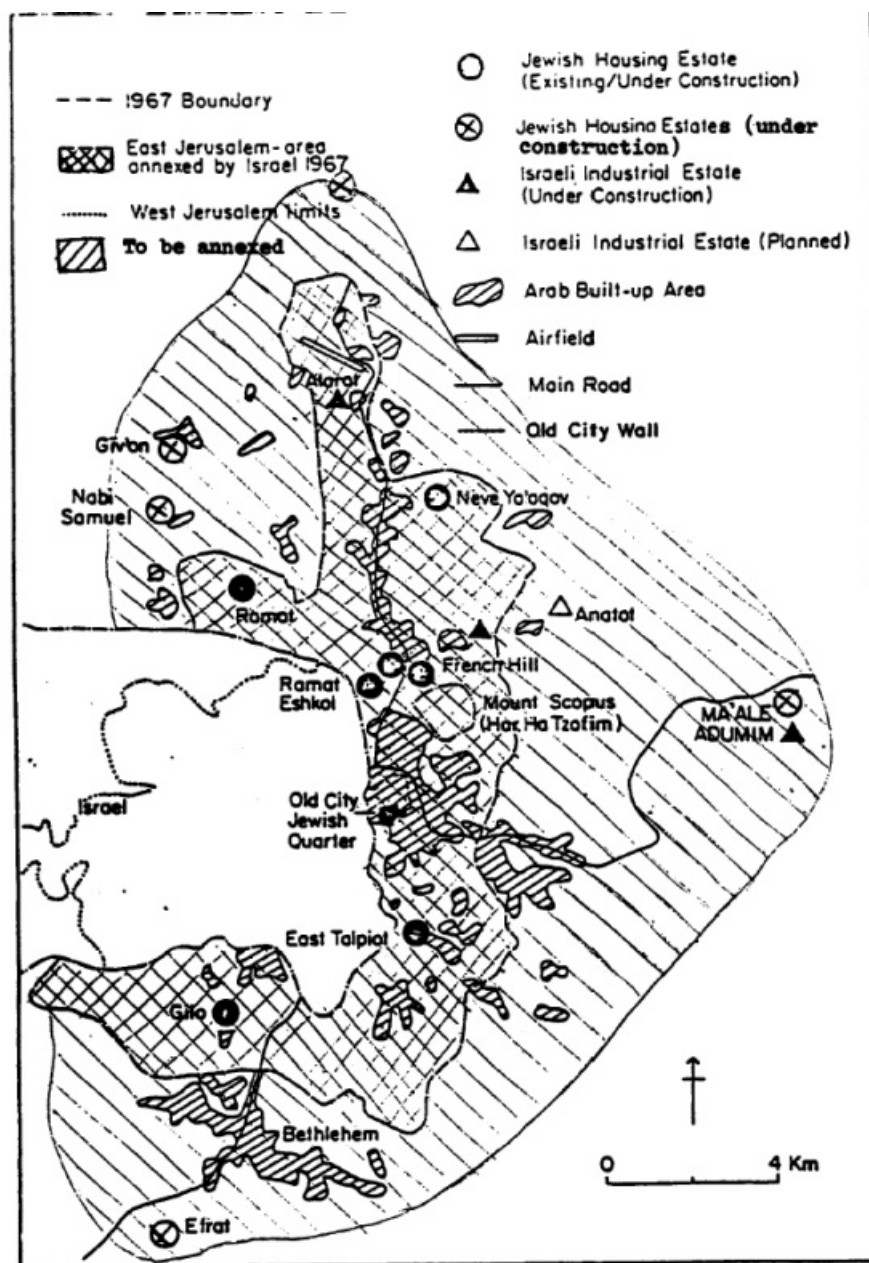


Figure 1. East Jerusalem and Environs: Existing and Proposed Israeli Construction Sites, 1967-1979 (Adapted from Harris, 1980, Figure 12).

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 subareas 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 about 50,000 in Gaza's recorded population between pre-war Egyptian estimates and the post-war census conducted by the Israel 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 over-estimation in the original Egyptian figure; (c) some war-time evacuations eastward toward Jordan or westward with the retreating Egyptian forces; as well as (d) some possible under-reporting in the Israeli census. Despite this decrease, the Strip remained too crowded for settlements.

After the war a military administration 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 coloration 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 others 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.

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 not 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'", *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 million and a quarter Palestinians who live in that area which has been under Israeli military occupation since 1967.

V

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 preempted 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 required and in creating the legal apparatus needed to assembly sites 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 legitimating 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 Kuttub observe:

In 1970 Moshe Dayan proposed that 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 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. (See Shehadeh and Kuttub, 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 that groundwork gradually, after she had consolidated her settlements in other subregions. But the pressures from the religious Gush Hnnum, 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 meant that both carrot and stick were needed to recruit Arab labour to 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 second, by the deprivation of alternative livelihoods, through confiscation of farm land and enclosure of communal pastures, and through the preemption 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 1975/76. 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 (in 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.

These 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 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 the 1948 war 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 test 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 was 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-sixties 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 domestic 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 the 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 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 second, 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 the 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 "Lookouts" (called settlements) have been systematically sprinkled between Arab villages. The rise to power to 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 the 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 the 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",

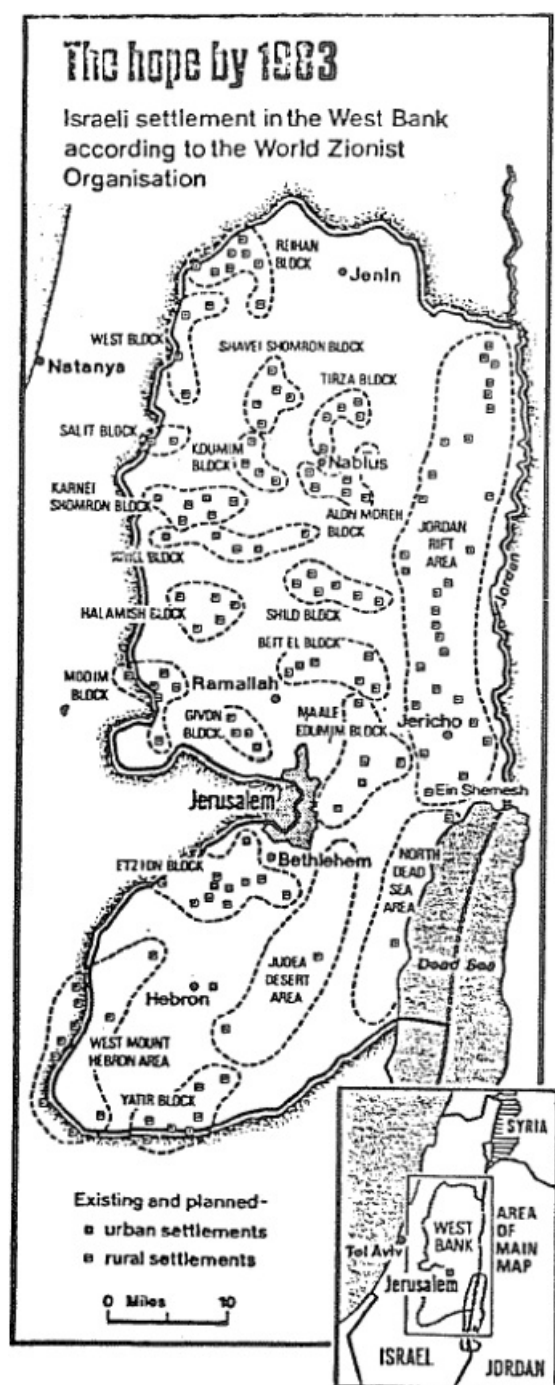


Figure 2. Drobles Plan for 1979-1983 (dated 1978).

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 additional 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 willful self-deception could conceal the fact that,

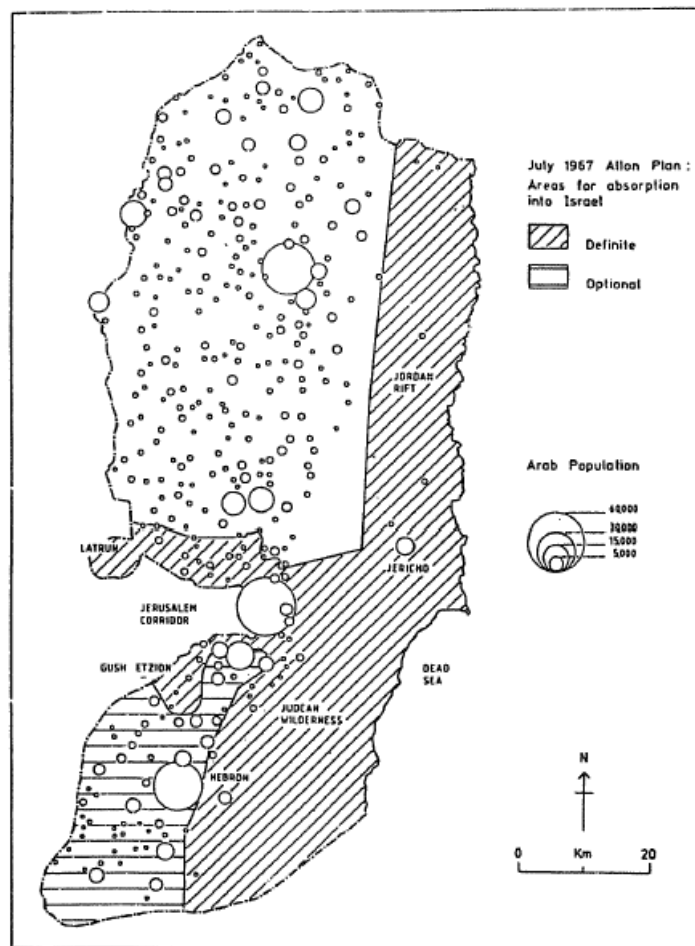


Figure 3. July 1967 Allon Plan (from Harris, 1980: 39)



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

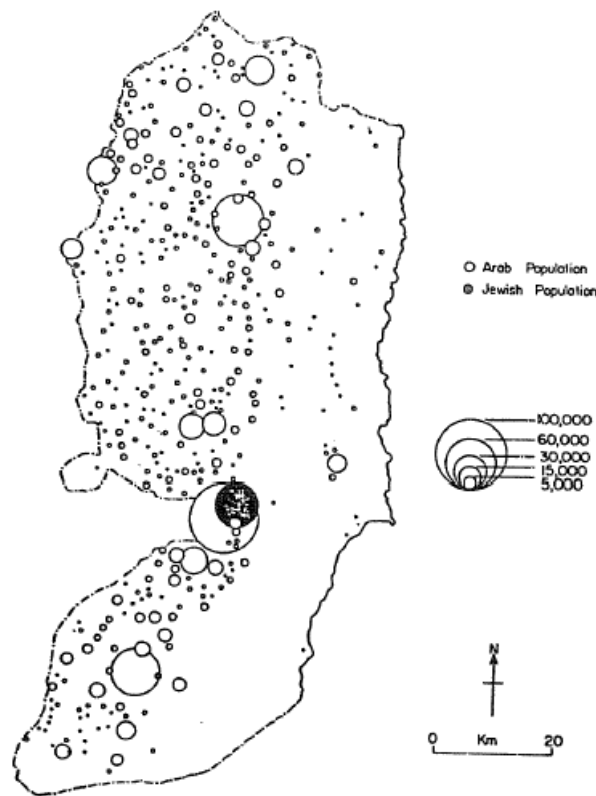


Figure 5. Arab and Jewish Populations on the West Bank, 1978.
N.B. Jewish settlement sizes slightly exaggerated
for visual purposes. (Harris, 1980:144.)

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.*, italics added):

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, points 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 Drobles Plan (paragraph 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. (Emphasis added).

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 had been 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 or 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 in 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 and waiting 15 days for objections to be registered. If no objections were raised, application could be made to the Council of Ministers which, upon approval, had to be ratified by the King and again published 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 this 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 this "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 by-passed 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. (Italics added.)

It was a short step from this system to the variation suddenly "discovered" at the beginning of 1980 - a variation which Israeli critic (Dani Rubinstein, 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 Emunim 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 pasture 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 régime 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 for "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 crops had spoiled. In cases where abandonment could not be obtained through military enclosures, the Israelis have resorted to more coercive techniques. The recent (6 October 1980) Report of the (United Nations) Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories (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, in their plan of 1976, recommended for fragmenting and policing the Palestinians who refused to leave (see Figure 6).

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 "autonomy". 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).

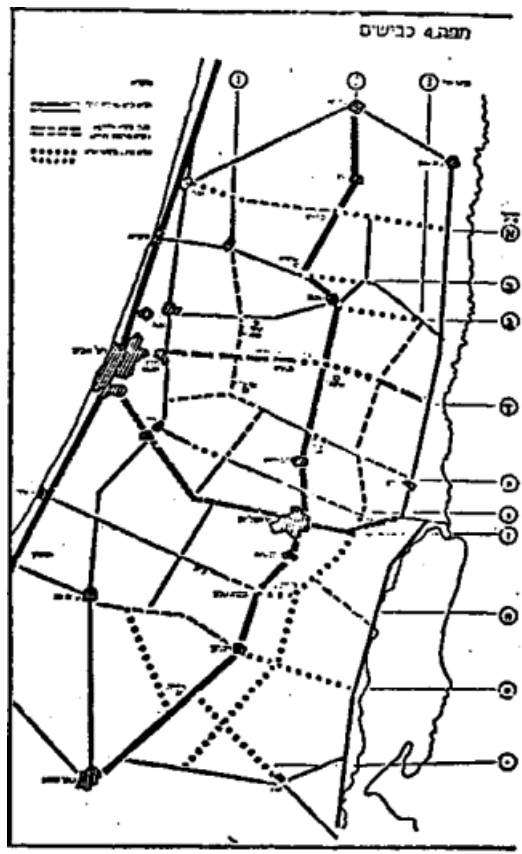


Figure 6. Gush Emunim "Peace Plan," 1976.

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 required wise specialization, with those zones especially blessed with water used for intensive irrigated farming, the dryer slopes used for terrace gardens and especially ariculture. 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, the 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 Kuttub 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 (wells, etc.) require 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 to grant the license without showing any cause ... (and may determine) to cancel any license or amend it or make it conditional ..." (above has been abstracted from Shehadeh and Kuttub: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 Jewish 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 settlement, thus draining ground water 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 settlement:

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 readily visible impact on the West Bank's 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 settlement 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, italics added). In such a round of 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 over-stepped 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.
- 2/ "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.).
- 3/ "By 1953 a 'Development Authority', (specifically set up for the purpose) had purchased ... 2,373,677 dunams (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 direct confiscation" (Ruedy, 1971:138).
- 4/ 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 Kuttah, 1980:111, with emphasis added).
- 5/ 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.
- 6/ 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.
- 7/ According to an article published in *Zu Haderekh*, August 20 and 27 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.
- 8/ 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.
- 9/ 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).
- 10/ 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.
- 11/ 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.
- 12/ See *Statistical Abstract of Israel*, 1980:34-35, Tables IV/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".
- 13/ Abed, a Christian Palestinian from the village of Milya which was being decimated by land confiscation at the time, noted ironically that the phrase "to spray" implied that there were some sort of pestilence in Galilee, and acknowledged that "we are that pestilence".
- 14/ The figures in the text come from Sharon's *New York Times* interview of February 19, 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 three urban settlements (Ezion Block) and two "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 350 million US dollars) 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 1980 alone (*Israel 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.
- 15/ There is no way to verify the exact number of settlements, because they are, for the most part, tiny and "grouped" into so-called "bloccs" 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.
- 16/ 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.
- 17/ The Gush Etzionim 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 overthrow'n" (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 Etzionim "set up 31 encampments during the night of October 14 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).
- 18/ 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).

BIBLIOGRAPHY

Abu-Lughod, Ibrahim, ed. *The Transformation of Palestine*. Evanston: Northwestern University Press, 1971.

Abu-Lughod, Janet. "The Demographic Transformation of Palestine." In *The Transformation of Palestine*, edited by Ibrahim Abu-Lughod, pp. 139-163. Evanston: Northwestern University Press, 1971.

"Demographic Characteristics of the Palestinian Population." Special Report prepared for UNESCO Feasibility Study for a Palestine Open University. Mimeographed, 91pp. Paris:1980.

Adams, Michael. "Israel's Treatment of the Arabs in the Occupied Territories." *Journal of Palestine Studies* 22 (Winter 1977), pp. 19-40.

Davis, Uri, Antonia Moks, John Richardson. "Israel's Water Policies." *Journal of Palestine Studies* 34 (Winter 1980), pp. 3-31.

Dodd, Peter and Halim Barakat. *River Without Bridges: A Study of the Exodus of the 1967 Palestinian Refugees*. 64 pp. Beirut: Institute for Palestine Studies.

Harris, William Wilson. *Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980*. New York and Chichester: Research Studies Press, A Division of John Wiley and Sons, 1980.

Israel and Palestine Monthly Review. (Paris). Serial Publication containing Supplement Section that reviews, summarizes and translates significant items from the Israeli press, entitled "Report on Palestinians under Israeli Rule." Entire Series.

Jiryis, Sabri. *The Arabs in Israel*. English translation. New York: Monthly Review Press, 1976.

_____. "The Arabs in Israel, 1973-1979." *Journal of Palestine Studies* 32 (Summer 1979), pp. 31-36.

Journal of Palestine Studies (Beirut). Entire series.

Lesch, Ann Mosely. "Israeli Settlements in the Occupied Territories. 1967-1977." *Journal of Palestine Studies* 25 (Autumn 1977), pp. 26-47.

_____. "Israeli Deportation of Palestinians From the West Bank and the Gaza Strip, 1967-1978." *Journal of Palestine Studies* 30 (Winter 1979), pp. 101-131.

MERIP (Middle East Research and Information Project) Reports. Selected articles from entire series, but especially Nos. 47 (May 1976) on "The Land Question in Israel"; 59 (August 1977) containing "Documents: Israeli Settlements"; 78 (June 1979) on "Israeli Settlements Policy under Begin"; and 83 (December 1979) for interview with Shoukri Abed entitled "Galilee Village Fights Israeli Land Grab."

Nakhleh, Khalil and Elia Zureik, eds. *The Sociology of the Palestinians*. London: Croom Helm, 1980.

Peretz, Don. *Israel and the Palestinian Arabs*. Washington, D. C.: The Middle East Institute, 1958.

Quiring, Paul. "Israeli Settlements and Palestinian Rights." *Middle East International* 87 (September 1978), pp. 10-12.

Ruedy, John. "Dynamics of Land Acquisition." In *The Transformation of Palestine*, edited by Ibrahim Abu-Lughod, pp. 119-138. Evanston: Northwestern University Press, 1971.

Ryan, Sheila and George Cavalletto. "Israeli Settlements in West Bank and Gaza." Supplement to *Palestine*, September 1980, pp. 9-17.

Shehadeh, Raja, assisted by Jonathan Kuttab. *The West Bank and the Rule of Law*. 128 pp. International Commission of Jurists and Law in the Service of Man, 1980.

Statistical Abstract of Israel. Series. Especially the appendices dealing with the "Administered Territories."

Tamari, Salim. "The Palestinians in the West Bank and Gaza: The Sociology of Dependency." In *The Sociology of the Palestinians*, edited by Khalil Nakhleh and Elia Zureik, pp. 84-111. London: Croom Helm, 1980.

United Nations, General Assembly. "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories." Document A/35/425. 6 October 1980.

Van Arkadie, B. *Benefits and Burdens: A Report on the West Bank and the Gaza Strip Economies Since 1967*. New York: Carnegie Endowment for International Peace, 1977.

World Zionist Organization, Department for Rural Settlement. *Master Plan for the Development of Settlements in Judea and Samaria, 1979-1983*. Prepared by Mattiyahu Drobles. Mimeographed in English translation. Jerusalem, 1978.

Zureik, Elia. *The Palestinians in Israel: A Study in Internal Colonialism*. London: Routledge and Kegan Paul, 1979.

POLITICAL ABORTICIDE: ISRAEL'S PALESTINIAN POLICY

Muhammad Hallaj

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 analyze 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 practiced 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 Shufat 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 use of 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 (US), the Israeli League for Human and Civil Rights, and the UN 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 wrists.
- Submersion 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.
- Submersion 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 Israel 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 Agbat 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 UN Special Committee to Investigate Israeli Practices 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 twenty reports of such group arrests. ^{8/}

Often, the individuals arrested are not charged with any offenses 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 Palestinian Rights reported in 1980 that

As a result of Israel ... 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% of the water resources of the West Bank have been diverted for the benefit of Jewish settlers amounting to 1% 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 neighboring villages of Immuas, Yalu, and Beit Tuba 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 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 Birzeit 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 black-listed 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." ^{13/}

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. ^{14/} 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 persistence 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 Israeli 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. ^{15/} 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?" ^{16/} 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 could happen, and is happening in the land of my choice". ^{17/} On the international level, the fact that the UN 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" ^{18/} is testimony to the degeneration of Israeli behavior. The fact that the General Assembly found it necessary to adopt by large majorities no less than 13 resolutions in three years (1977-79) condemning Israeli violations of human rights in the occupied territories testifies to Israel's persistent disregard for world opinion.

II. Israeli Motivations

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." ^{19/} As the UN Special Committee to Investigate Israeli Practices Affecting Human Rights in 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. ^{20/} 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." ^{21/} 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 ^{22/} were the greatest frustrations of the Zionist ambition. War in 1947-49 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 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, 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 P.L.O.) 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 their involvement as direct and active participants in the determination of their future. It laid to rest, once and for all, the Israeli myth about the non-existence of the Palestinian people.

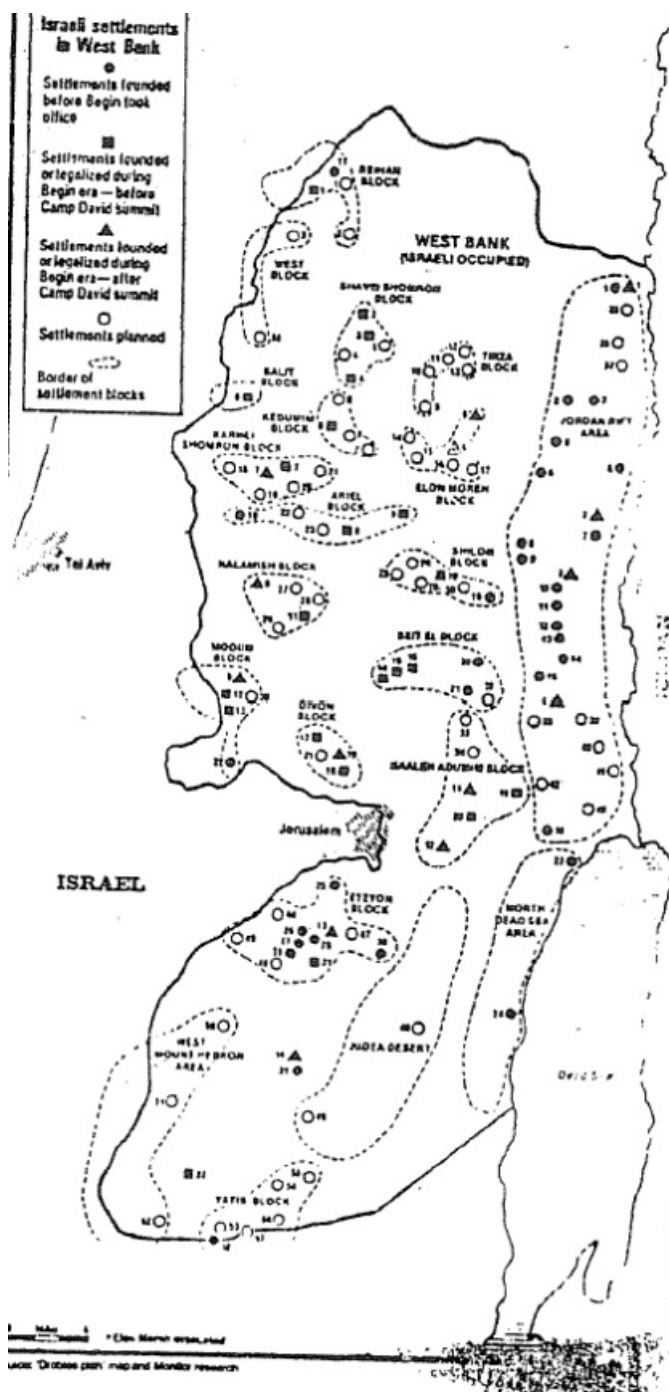
2. The liquidation of colonialism in Asia and Africa and the consequent rectification of the previous imbalance in the world community in favour of oppressed peoples. This fact led to increasing international recognition of the true nature of the Middle East conflict, and to increasing and more explicit 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 behavior. 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." ^{23/} Israel, unable to convince the world community to sanction its racist-colonialist behavior, 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." ^{24/} That is why Israel's violations of the rights of the Palestinian people go and must go beyond the sporadic harassment of a despotic régime and be a methodic genocidal onslaught to destroy a human society.

To demonstrate the validity of this analysis, it is sufficient to use as illustrations 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 program 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 man 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" ^{25/} in order to isolate the Arab population of Palestine from the Arab people in neighboring 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. ^{26/} 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, 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." ^{27/} The consequence is that an Israel

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. 28/



Map from Matityahu Drobles, Master Plan for the Development of Settlement in Judea & Samaria, 1979 -1983. Jerusalem: World Zionist Organization, Oct 1978 (mimeographed).

part B

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." 29/ 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. 30/

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. 31/

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. 32/

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 Haaretz, and without losing any respectability, and of course the various proposals to expel 'all the Arabs' have become very common in the 1980's." 33/ 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 danger to its survival. That is why Israeli terrorism is a state policy; is not limited to a particular extremist political party or régime or leader. That is why it goes 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." 34/

The persistence of this type of mentality, translated by Israeli policy into daily aggression against the Palestinian people not only deny legitimate Palestinian national rights and flout world opinion, but also jeopardize 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 their 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 their struggle, including armed struggle, for their 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. Mbleah, "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 Haaretz of October 12, 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. Third edition. 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 US Consulate in Jerusalem.
5. Dib and Jaber, pp. XVII-XVIII.
6. See testimonies of 62 former inmates in Ibid., pp. 1-164.
7. For a list of 1156 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," 2 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. UN 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 (October 5, 1979) for a list of more than 100 settlements in the occupied territories.
10. UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, Israeli Policy on the West Bank Water Resources. New York: United Nations 1980.
11. Ibid., p. 14.
12. Ibid., p. 15.
13. Cited in UN, Economic Commission for Western Asia, Social and Economic Conditions of Palestinian Women Inside and Outside the Occupied Territories, 1980, p. 141.
14. Dib and Jaber, pp. 1-164. The total number of violations is my summation of violations listed in the study after each of the 62 testimonies.
15. Quoted from Sharett's diaries by Livia Polach, "Israel's Sacred Terrorism," Belmont, MA.: Association of Arab-American University Graduates, 1980, p. 36.
16. Arie Ya'ari, "Vladimir Rabi: The Treason of the Intellectuals," New Outlook, May 1981, p. 47.
17. Liza Levenberg, "The Dilemma of Israeli Education," New Outlook, May 1981, p. 37.
18. Resolution adopted at the 1538th meeting on 13 February 1980. Text in UN, Special Unit on Palestinian 'fights, Vol. III, Bulletin No. 5 (May 1980), pp. 24-25.
19. Mbleah, p. 16.
20. UN Document A/34/631.
21. Ibid.
22. The Zionist movement was able to acquire only about 6% of Palestine before partition in 1947. The rest of the country was seized by force in subsequent wars.
23. Muhammad Hallaj, "As We See It," Middle East International, No. 144 (27 February 1981), p. 7.
24. Ibid.
25. Mattityahu Drobes, Master Plan for the Development of Settlement in Judea and Samaria, 1979-1983. Jerusalem: World Zionist Organization. October 1978, (mimeographed).
26. Ann M. Lesch, Ibid. Table 4, p. 105.
27. Yehuda Z. Blum, "Israel, the UN and Middle East Peace," Middle East Focus, Vol. 3, No. 3 (Sept. 1980), p. 18.
28. Gabriel Ben-Dor, "Crisis in Israeli Society," Middle East Focus, Vol. 4, No. 1 (May 1981), pp. 19-23.
29. Boaz Evron, "The Holocaust: Learning the Wrong Lessons," Journal of Palestine Studies, Vol. X, No. 3 (Spring 1981), p. 21.

30. Israel Shahak, "The 'Historical Right' and the Other Holocaust," *Journal of Palestine Studies*, Vol. X, No. 3 (Spring 1981), p. 21.
31. *Ibid.*, p. 33
32. *Ibid.*
33. *Ibid.*
34. Quote from Al Hamishmar of 8 February 1980, attributed to Meir Indor, spokesman for Kiryat Arba settlement, cited in Naseer H. Aruri, "human Rights and the Israeli Occupation of Palestine," paper presented to the UN Seminar on the Question of Palestine, Vienna, August 25-29, 1980.

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

Humberto Diaz-Casanueva

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, which 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 of 5 December 1980:

(1) The resolution reaffirms the inalienable right 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;

(2) It also reaffirms the following inalienable rights:

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

(b) The right of the Palestinian people to establish their own independent sovereign State.

The Sixth Conference of Heads of State or Government of Non-Aligned Countries, 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, and

(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, 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 resolutions 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, according to demographic estimates, out of approximately 3 million Palestinians, less than half were living within the borders of Palestine - some 400,000 as citizens of Israel and about a 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 newspapers 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), the General Assembly expresses its concern in a more coherent and practical manner, by organizing assistance to Palestine refugees. Resolution 302 (IV) establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Year after year, in renewing UNRWA's 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 predominant 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), 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

Security Council resolution 242 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 and
- (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 their 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 years 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 that resolution. At present, however, it is resolution 3236 (XXIX) which, within the framework of the United Nations, sets forth most strongly and clearly that which is not expressed in Security Council resolution 242: 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) begins by recalling and reaffirming resolution 181 (II). 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) should be mentioned, in connexion 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) contains two decisive paragraphs, in which the General Assembly: "(1) Recognizes that the people of Palestine are entitled to equal rights and self-determination, in accordance with the Charter, and (2) 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 - 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 can 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 connexion, 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 conditio sine qua non for the exercise by the Palestinian people of their inalienable rights to their homes and property. With the establishment of an independent Palestinian entity, the Palestinian people will be able to exercise their right to self-determination and to decide on their 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, 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 connexion 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. 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 nor the Camp David accords recognizes the inalienable rights of the Palestinians, the Security Council may be expected to remain ineffective in that connexion, 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." General Assembly resolution 34/65, dated 29 November 1979, "... 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 on 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 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 the Jewish and Arab States 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: (1) a Jewish State that would include Palestine and eventually Transjordan; (2) the eventual transfer of the Arab population of Palestine to Iraq; and (3) 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 in 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 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, their pride in their historical roots and their 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 cause 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 Palestine Liberation Organization 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 General Assembly resolution 3237 (XXIX) the PLO was granted the status of "observer" and participates as such in the work of various United Nations bodies. As evidence of the recognition which the General Assembly has accorded the PLO, we need only recall that resolution 3236 (XXIX), adopted on 22 November 1974 in the presence of the Chairman of the PLO, Yasser Arafat, "... 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 United Nations Charter, 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; (l) the military weakness of the Arab countries which prevents them from standing up to Israel's attacks and threats; (m) the world's feeble reaction to Israel's deliberate and continuing military attacks; (n) 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-a-vis the Palestinians and by the fact that Israel's expansionary aims are being supported, that it 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 materiel 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 *inferi res*. 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 which have been carried out on the way in which western Ashkenazy Jews live 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 lot 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 co-operation 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 nought, 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:

- (1) 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 materiel, technology and substantial economic resources;
- (2) 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;
- (3) 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;
- (4) It is necessary to stress, particularly as far 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.
- (5) 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 in its organs;
- (6) Greater pressure should be brought to bear on Israel to subscribe to the Treaty on the Non-Proliferation of Nuclear Weapons;
- (7) Due account should be taken of the promising attitude adopted towards the problem by Western Europe;
- (8) 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 in all matters relating to the Palestinian cause;
- (9) 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 fulfil its obligations and because of its acts of aggression which threaten international peace and security;
- (10) 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.

BIBLIOGRAPHY

1. Beshier, M. O. Palestinian rights and the United Nations.
2. Cattani, Henry. The implementation of United Nations resolutions on Palestine.
3. The First United Nations Seminar on the Question of Palestine (Arusha).
4. The Second United Nations Seminar on the Question of Palestine (Vienna).
5. Resolutions of the General Assembly concerning the question of Palestine.
6. Reports of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.
7. United Nations. The right of return of the Palestinian people. (Sales No. E.78.L21).

HUMAN RIGHTS AND PALESTINE

Julio Prado Vallejo

For the Seminar on "The inalienable rights of the Palestinian people", convened under resolution. 34/65 of the United Nations General Assembly, 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:

The State of Israel's refusal to return the Arab territories conquered by force;

The implementation by the Tel Aviv Government of a policy aimed at bringing the Arab territories conquered by force almost completely under Israeli sovereignty;

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;

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;

Israel's policy of non-recognition of the rights of the Palestinian people to free and voluntary self-determination;

Repeated disregard for the human rights of the Palestinian people and international norms such as those established in the 1949 Geneva Convention. 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 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 which are recognized for all the peoples of the world and which are proclaimed and validated by various international agreements, starting with the United Nations Charter, 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 co-operation 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, their political status and their 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 United Nations 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 of 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 their 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., their right to organize freely and voluntarily as a sovereign political entity, in accordance with their wishes, is illegal under the United Nations 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 United Nations Charter 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 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 their 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 United Nations 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 peace 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 peoples 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 them implies full recognition of their legitimate claims and, in particular, their 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 United Nations 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, their historic destiny and their 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 with the Palestine Liberation Organization, 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 United Nations 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, the geographical character and the demographic composition of these territories involve violations of 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 and the International Covenant on Civil and Political Rights 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 or 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 live in 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 worship, observance, practice and teaching.

The attack on and destruction of the archaeological and cultural patrimony of Palestinians 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 practise 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, 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, practise 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.

THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

David Gilmour

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 which 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 1,300,000 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 they should be enjoying in their homeland, and to describe the methods used by the Israeli occupation authorities in order to prevent them 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 UN 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 which includes the Occupied Territories.

It is important to realise 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 which 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 own 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 'Qehola 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 seventy Israeli settlements in the West Bank today. Another fifty 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 meagre 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 millions of these are taken and used in Israel. Even the remaining 120 millions are not left to the Palestinians, since an estimated 27 millions are siphoned off for the settlements. In other words each colonist receives about 1,500 cubic metres of West Bank water, or about twelve 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 fourteen years. As Dr. Paul Quiring, who made a study of the subject during three and 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 forty 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. 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 Iran, Eastern Europe and the Gulf states, while the Israelis reserve for themselves the more lucrative markets in the West. In 1979, however, Iran decided not to buy the three and a

half million cases of Valencia oranges which 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 4.00 in the morning 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 twelve 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 sixteen 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 ten times cheaper than an Israeli worker.

There are twenty-six 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 as 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 fourteen 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 and 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 that 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 evidence 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 towards the way of life and the culture of East (i.e. Arab) Jerusalem'. One example of this 'complete lack of consideration', which the mayor himself might have done something about, was 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 over-crowded conditions inside the Old City. Not until 1979, twelve 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 thirty 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 fourteen 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 their 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 Red Cross, Amnesty International, The Sunday Times in 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 which 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 had 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 fair 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 tens 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 doesn't 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 an illiteracy programme consisting of twelve 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 and so on. Among the fifty-four 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 Charitable Hospital. Politicians are among the most favoured candidates for expulsion. Mayors of Ramallah, Bira, Hebron and Haihul 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 which 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 the International Committee of the Red Cross. 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, blind-folded, 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 the fact that land which 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.

AN ANALYSIS OF THE LEGAL STRUCTURE OF ISRAELI SETTLEMENTS IN THE OCCUPIED WEST BANK OF JORDAN

Raba Shehadeh

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, the 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 council 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 passed by the Military commander of the West Bank and the regulations made thereby.

I have not discussed here the legality of the Jewish settlements, because a discussion of this was given in the paper of Mrs. Sally Mallison presented at the Seminar held in Vienna in August 25-29 1980.

PART ONE

A. The Period of the British Mandate

It was the fulfillment 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 Mandate in Palestine from 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 Mandatory 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 insure that lands in areas designated for Jews did not get transferred to Arabs. Also is 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 government of the mandate embarked on a series of amendments to ordinances concerning local government.

A new Municipalities Ordinance was passed in 1934. 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 ^{1/} declared all the towns mentioned in its appendix to be municipalities. The list includes 23 municipalities.

Another appendix to the ordinance makes special provisions 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 the Palestinian citizenship of at least thirty years of age, for the Tel Aviv Municipal Council, the only conditions are that a candidate be at least 25 years, his permanent place of residence be within the Municipal area and that he has paid all taxes and rates due to the council during the past 12 months. No provision as to sex or possession of Palestinian citizen-ship 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 shall continue in existence. The list of these councils created 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 is empowered, on the recommendation of the District Commissioner, to declare by order not only that any village, or group of villages shall be administered by a local council but that any area may 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 a local council thereby giving the Jews the power to administer themselves and thus facilitating their independent development. Then in 1941, 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 11 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 3-12 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 Mandatory 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 whereby 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, local council, ceased to exist in the West Bank under the Jordan régime. 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 March 25, 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 783 (of March 25, 1979) and order 892 (of March 1981). The former provided for the creation in the West Bank of regional council 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 diminish 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 806 dated September 30 1979. It is noteworthy to mention here that although military orders are eventually published in very restricted numbers in what are called volumes of "Proclamation, 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 September 24, 1980, includes order 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 892 states that these Regulations shall be published as follows (1) by posting them on the notice board in the offices of the council (2) 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 March 1st, 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 analyze 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 adjustments necessitated by the different conditions and realities, as was pursued by the government of the mandate 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 analyses 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 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, which 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 areas 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 which the Israeli Government wishes to pursue on the West Bank. Therefore the Municipality Law, with one exception which will be discussed below, 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 to which it is responsible. 7/ A recent example of this is the recent 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 analyzed below are already extensive and there is no limit or restriction to 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 will affect the fate and conditions of both communities. As things have been organized now, the separate and ambitious development plans intended for the settlements are enabled to 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. September 5, 1978 was the date of the signing of the Framework for Peace in the Middle East Agreed at Camp David. 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, the expression "Palestinian people" is 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 September 22 reads "in each paragraph of the agreed framework document the expression 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 make 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 which the Camp David 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 the 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 was 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 regional basis. If the latter is the method then in view of the large number of the settlements already established Jewish representation in that authority will be substantial. In this way even 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 analyzing the Jordanian Municipalities Law that all the powers vested by that law in the King, the Council of Ministers, the Ministers of the 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 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 which is responsible for the creation of the settlements on the West Bank, it is to be expected that he will use his power to insure that the growth and development of the municipalities does 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 centers. The Jordanian Municipalities Law of 1955 ^{8/} 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 Commission (a function which 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 in the Israeli army, why then did the Military Authorities decide not to turn the settlements 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. ^{9/} 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 has 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 the 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 units for Arabs and for Jews to enable separate and independent legislations and policies for growth and development.

B. A Comparison between the Municipalities Law and the Regulation for the Administration of Local Councils

For the purpose of establishing Local councils military order No. 892 Order Concerning the Administration of Local Councils was promulgated in March 1st, 1981.

The Order defines a local council as any one of the settlements mentioned in its appendix boundaries of 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 put 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.2b) Article 5 states that nothing in this order or in the regulation which is going to be made by virtue thereof contravenes any law or security legislation unless there is a provision in the orders or regulations which clearly contradicts this. As to publication of the regulation it is to be done in a manner which the area commander shall specify.

The Regulations for the Administration of Local Councils hereafter Regulations are also dated March 1st, 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 of 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. ^{10/} 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" ^{11/}. No similar powers are given to any official in the military government by virtue of the regulations for the administration of local councils.

Both the municipalities and the local councils are juridical bodies ^{12/}. 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.

A. Functions

The municipal council has the power over such areas and functions as roads, buildings (this now has to be looked upon in 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 page 6 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 councils. However, the local council enjoys in addition to them other powers. To begin with a local council acts as the trustee, custodian or representative in any public case involving the inhabitants of the local council. ^{13/} 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. ^{14/} 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. ^{15/} 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. ^{16/} It is also empowered to oversee irrigation, pastures, the preservation of the soil 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. ^{17/} The council may establish any corporation, cooperative or any other organization for the execution of any of its functions and buy shares in it. ^{18/} It is also empowered to prepare the facilities for emergency and to operate them at the time of emergency including the organization of rationing and provision of the necessary services. ^{19/} The council is also empowered to give certificates and to certify and issue licences for any of the matters included within its powers.

The council administering a local council may according to article 88 of the Regulation with the agreement of the "person responsible" make regulations concerning any matter which the council has jurisdiction over. 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 as 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.

b. Taxes

A local council may, with the agreement of the "person responsible", impose taxes called "amona", membership fees and other obligatory payment ^{20/} The council is empowered to impose any additions on the amona after publishing a notice to this effect in the area of the local council. ^{21/} 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. 22/

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 amongst 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. 23/

c. Finances

A municipal council may only borrow money after obtaining the agreement of the Minister of Interior who will consider who the lender is and the purpose for which the fund is to be used. 24/ 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 25/ and the customs authority collects custom duties on combustible liquids according to percentages specified in the law 26/. By virtue of article 52 all funds collected for the municipalities by the ministry of finance kept in trust for the municipalities and distributed in the percentage which the council of ministers on the recommendation of Minister of Interior decides according to criteria mentioned in article 52(2) provided that some of these funds may be allocated to finance other matters.

The yearly budget made by the municipality, is acted upon after it is approved by the council and authorized by the Minister of interior. 27/ Similarly, a local council needs the approval of the "person responsible" for its yearly budget. 28/ However a local council does not need to get approval for borrowing money or receiving contributions. 29/

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 discretion to administer its own finances without any interference. Regulations are made for the municipalities as to tenders, 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 Regulation mentions powers which 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 regulation or under a security order. In case of emergency and when there is no possibility for convening the council to take a decision which 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 Regulation 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 on its duties according to the Regulation or that there are financial misdealings. But he can only do this after he has warned the council and it did not take heed of his notice.

PART THREE

A. The Settlement's Court System

By Article 125 of The Regulation a court of First instance and a Court of Appeal are established for the Local Councils. The court of First Instance has jurisdiction to look into any violation committed contrary to The Regulation, violations against any regulations made by virtue of The Regulation, and any violation committed within the local council against any law or order mentioned in the appendix to The Regulation. The court is empowered to impose any penalty specified in

The Regulation, in the regulations made thereby, and in the laws and orders mentioned in the appendix 30/ except for violations of election rules mentioned in part 3 of The Regulation.

The Regulation as it stood on March 1st, 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 Regulation does 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 which 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 settlement's courts are appointed by the commander of the area. 31/ Judges for the first instance court are appointed from amongst magistrates judges, and for the appeal court from amongst judges of the District Court. 32/ Whereas the judicial 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 settlement 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 to whom no mention is made in The Regulations where the choice of the settlement's judges is left to the area commander. And although no formal connection with the Israeli judicial system is established, the 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. 33/ The appeal court sits anywhere the area commander designates. 34/

The procedure and the rules of evidence which the 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 appeal court has all the powers which an Israeli District Court in Israel has when it convenes as an appeal court. Furthermore the court has all the powers given to military courts when it looks into the violations to laws and orders mentioned in the appendix. 35/

The court may impose fines which are paid to the treasury of the local council. 36/ 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 Regulation leaves unanswered. What categories of people does the court have jurisdiction over? What 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 Regulation? From the wording of The Regulation it is possible for the settlers' 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 the Jordanian law give them the power to establish any. By order No. 631, however, municipal courts have been 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 631, 37/ the Officer in Charge of the Judiciary is responsible for the municipal courts. 38/ The judges for the court are appointed by the officer from amongst magistrate judges who serve in West Bank Courts. 39/ No appeal court may be established and the court's decisions are appealable at the West Bank court of appeal. 40/ The court shall apply the rules of procedure and evidence applicable in criminal cases in magistrate courts. 41/ The court shall have jurisdiction to hear violations against the regulations of the municipality and any violations committed within the area of the municipality which 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 42/ 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. 43/

PART FOUR

The Defence of the Settlements

A number of related orders need to be discussed when considering the powers and functions of a local council. These are the orders dealing with what is called "the Defence of Villages".

These orders are modeled after the Israeli law of 1961: the Local Authorities Regulation of Guard Service Law. 44/ This law defines in its preamble 'the officer-in-charge of the guard services 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 a Command in which 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 connexion with Israeli law does not stop at the level of providing a model for the military orders on the same subject. In article II of order 432, the first of the orders passed by the West Bank Military Commander concerning guard duty ^{45/} 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 432 defines a village (in Hebrew 'Yeshuv' means any Jewish populated center large or small) as one which has been established after 1967. Whereas 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 the 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 432 to include "whoever lives in the village and is unregistered 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 resumed to be eligible as long as he has not proven otherwise in the way that shall be provided by order. A fine is imposed on a person who refused to carry out the guard duty. Order 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 sport 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 the workers. (Article 2 of the order). 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. ^{46/} 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 844 of June 18, 1980 increased the number of hours of guard duty per person to six hours per week unless the director orders that the number of hours be increased to ten per week for 30 days. An increase above ten hours needs the approval of the commander of the area.

A fifth amendment to the original order ^{47/} substantially increased the powers of the settlers. Article 3 of order 898 empowers them to:

- a. oblige any person whom the settlers have any reason to suspect of having committed any offence contrary to any military order and to show them his identification card, and
- b. to arrest any person whose identity has not been proven and to transfer him to the nearest police station, and,
- c. to arrest any person without a warrant:
 1. 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 misdemeanor or a felony punishable by the military orders with five years imprisonment, or,
 2. 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. Any one 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 in 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 road blocks and searched passers-by and they have attacked nearby villages and made their lives intolerable.

Two reservists were quoted in the Israeli English newspaper, the Jerusalem Post, as saying after Jewish student settlers from the local yeshiva and from Kiryat Arba in Hebron manned the army check point along-side them "This is the first time and the last time we will serve in this area." The settlers had joined them at the check-point 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 organization 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 discussion of the ordinances, laws and orders discussed above.

The first is that the Israeli government in planning its settlement policy in the West Bank is being guided by policies and legislations of the British government of the mandate.

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 fulfill 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 legislations and policies.

The fourth is that already complex and elaborate structures have been created and that the legislation creating them allows 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 order are made by the commander general such as 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 going in the future as far as Jewish-Arab relations on the West Bank are concerned is in the direction of a version of the South African apartheid or separate development policy. Granted the reality and conditions differ, so does the extent of the similarity. However enough parallels exist in the nature of the problem meeting 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 all indications point are only bound to increase with time.

NOTES

See, generally, reports by the United Kingdom to the League of Nations for the years 1932 - 1937 under section on autonomous administration.

1. Palestine Gazette (Arabic) supplement 1, No. 414 on Jan. 12, 1934.
2. Palestine Gazette (English) supplement 1, No. 1154 on Dec. 18, 1941.
3. Palestine Gazette No. 1352, supplement 1, August 17, 1944, p. 49
4. Ibid. article 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 Sept. 30, 1979 and 848 of June 15, 1980. In each case, the definition was changed to increase its ambit.
7. The exception to this is order 631 discussed later which empowered municipalities to establish municipal courts, see pp. 16 and 17.
8. This law replaced the law of 1954.
9. Municipalities law, 1955, articles 12 and 18.

10. Article 34(3) of the Municipalities law added by a 1960 amendment.
11. Ibid. article 27.
12. Article 3(3) of the Municipalities law and article 67 of the Regulations for the Administration of Local Councils made by order 892. (hereafter The Regulations).
13. Article 68(3) of The Regulations.
14. Ibid. article 68(1)
15. Ibid. article 68(2)
16. Ibid. article 68(6)
17. Ibid. articles 68(11) and (12).
18. Ibid. article 68(13)
19. Ibid. article 68(14)
20. Ibid. article 76.
21. Ibid. article 81 (b).
22. Ibid. article 87.
23. Jordanian Municipalities law of 1955 article 41 (c) added by a 1956 amendment.
24. Ibid. article 45.
25. Ibid. article 47.
26. Ibid. article 49.
27. Ibid. article 56 (1).
28. The Regulation article 97 (c).
29. Ibid. article 101.
30. Ibid. article 126 (a).
31. Ibid. article 127 (a).
32. Ibid. article 127 (d).
33. Ibid. article 131.
34. Ibid. article 128 (a).
35. Ibid. article 134.
36. Ibid. article 137.
37. As amended by order 713 of June 10, 1977.
38. Military Order 713 article 1.
39. Ibid. article 4 (a).
40. Ibid. article 10.
41. Ibid. article 8.
42. Ibid. article 12 (a).
43. Ibid. article 15 (b).
44. Published in Sefer Ha-Chukkm No. 346, June 13, 1961, p. 169.
45. Date of this order is June 1, 1971.
46. Military order 817, article 7.
47. Military order No. 898.

ZIONIST CONTROL OF THE COMMUNICATIONS MEDIA AND OF THE CULTURAL SYSTEM IN VENEZUELA AND THE STRUGGLE OF THE PALESTINIAN PEOPLE

Domingo Alberto Rangel

Zionist interests stand between the rights of the Palestinian people and public opinion in Latin America. A curtain has been drawn to conceal and distort the struggle of the Palestinians for their identity, for their homeland, for their survival as a people. In Latin America, zionism has selected a very clear-cut strategy: to prevent information about the struggle of the peoples of Palestine to recover their homeland from reaching influential sectors of public opinion. Political causes triumph to a large extent by awakening the solidarity of the international conscience. This is the most frequently observed constant of history, which is particularly valid at present when the world has become the scene of national liberation struggles. This principle has not been overlooked by zionism, whose members learned to appreciate the meaning of solidarity at a time when they themselves were victims of discrimination and persecution in Europe. In its effort to conceal or misrepresent the cause of the Palestinian people, zionism has understood how useful an instrument in the control of the news media. In order for the news to be manipulated for strategic purposes, it must be presented in doses so that it reaches public opinion in an abridged or adulterated form, as though devoid of substance and meaning. In Latin America, there is virtual censorship of events concerning the Palestinian people, and this is possible because of Zionist involvement in communications media and cultural bodies.

The task of zionism has been greatly facilitated by the degree of centralization of the communications media and, in general, of the so-called culture industry, even in under-developed societies. The bulk of the information and ideas received by people passes through very small circles, which then disseminate it to the public. This is where zionism has decided to acquire control, which serves as a filter. Because of the degree of centralization, the main flow of information is necessarily funnelled through the narrow bottle-neck of a few supervised or controlled communications media. The Latin American peoples' freedom to learn about events in Palestine is thus stifled in practice. Zionist censorship cuts, distorts or misrepresents everything relating to the struggle of the Palestinians. This interventionist privilege helps to explain the stereotype which zionism has created in connexion with the Palestinians, who are invariably represented as the agents of abominable and insatiable terrorism. Invariably, the news received by the average Latin American depicts the Palestinians as greedy and bloodthirsty. Just as in the case of symbols used for propaganda purposes, when a subject or circumstance is simplified and identified by one characteristic symbol, so the Palestinians are compared to a bomb to be thrown at an unsuspecting victim. 'Palestinian terrorists' is the catch-phrase that runs through all the news about the struggles of this people. A Palestinian has to be a terrorist, even when he is giving a lecture or holding a press conference.

To illustrate these observations, which reflect a situation that applies to the whole continent, we intend to take the example of Venezuela, where in 20 years of effort zionism has cornered all the communications media. Newspapers, radio and television stations, film-distribution channels and cultural institutions, everything that influences the attitude of the Venezuelan people is subjected to the tendentious control of zionism. It should be added, although in this case we do not have precise information, that the country's political forces also reflect the influence of the Zionists who, as a pressure group, are capable of silencing such forces. The financial power of the Zionist community in Venezuela obliges political parties to be cautious - to say the least - and this is tantamount to a rejection of the Palestinian cause. In other words, fearing financial reprisals, Venezuelan parties generally do not dare to express any solidarity with the Palestinian people. We believe that the struggle for the inalienable rights of the Palestinian people calls for condemnation of Zionist interventionism in the communications media in Latin America and of its systematic blackmailing of political forces which is aimed at obliging them to become accomplices through silence or cowards through evasion. This paper has no other purpose than to help to provide the very necessary clarification.

INTRODUCTION: ZIONIST PLANS IN THE COMMUNICATIONS MEDIA

Zionist circles in Venezuela have unleashed an intensive campaign of penetration and control of the communications media, cultural activities, intellectual and artistic institutions and educational organizations (Ministry of Education, national universities, IVIC, OUNICIT).

When one considers that Zionist penetration of these media started some 20 years ago, the results obtained have been significant. The work carried out in the fields of culture, science, education and art must be assumed to be part of a strategy for Venezuela and Latin America. An attempt is being made to create a pro-Zionist viewpoint playing on the prestige of art, science, philosophy and education which would lay the foundations for other political, economic and diplomatic actions.

(a) The myth of uncommon Jewish intellect

The ideological foundation for the Zionist campaign of cultural and intellectual penetration is essentially the propagation of the idea that Jews are

exceptional in the areas of intellect, culture, science and the arts. These clearly racist ideas have been inspired by the even broader position that the Jewish people is the chosen people. In every European and Latin American country, there is a written and oral listing of the intellectuals and artists of Jewish origin to confront the citizens of each country. Patient, steady and tenacious efforts on a world-wide scale are achieving the often innocent acceptance of these theories. Before the State of Israel came into being, these ideas were no more than an ideological campaign, often inspired by sympathy for the persecutions to which Jews had been subjected. However, once the Zionist State was founded, these campaigns took on a very different character, since they contribute to the military and expansionist policy of that State. It should be noted that these campaigns have not only penetrated the right-wing intelligentsia but have wrought virtual havoc in the left wing, help to undermine solidarity with oppressed peoples and create an ambiguity which clears the path for left-wing and democratic-thinking sectors to move towards positions which end up favouring imperialism and Zionism. In Venezuela 10 or 15 years ago, the left was openly supportive of the Arab cause and viewed the Zionist State as a direct ally of the imperialist Powers, the United States, the United Kingdom and France. Unfortunately, today this situation has changed. Zionism has been able to advance within the Venezuelan left, causing many to be neutral about and others to accept Zionist theories. The political successes have largely been achieved through the myth of Jewish cultural superiority. This theory which, as noted above, is clearly racist and fascist, is not questioned or debated in the face of public opinion.

(b) Penetration of the Ministry of Education

The importance of Zionism within the Ministry of Education in recent years may be seen from the number of high posts held by Zionists in that Ministry. These are not posts held by Jews or citizens of Jewish origin but high functions which are discharged by people who, despite the restrictions with which those performing such public functions should comply, participate openly in campaigns, festivals, forums and meetings of a markedly pro-Zionist political nature. At other times, we see the wives of high officials, ministers or directors signing Zionist documents and taking part in national and Latin American meetings for proselytizing purposes. Currently, two directors within the Ministry of Education are involved in pro-Zionist political activities, and the outgoing Minister (Peñaver) used to send his wife to world Zionist forums and meetings. The boards of directors of the Fundación Mariscal de Ayacucho, CONICIT and IVIC include people committed to the Zionist cause. Such persons also hold supervisory posts in the Museum of Fine Arts and the Museum of Modern Art, and from the latter, its director, Sofia Inber, pursues an open Zionist policy.

We have been informed that some heads of secondary educational institutions favour recruitment of teachers recommended by Zionist circles.

(c) Control of the radio, TV and press

It is in the communications media that Zionist penetration is revealed most clearly. Control at the levels of ownership of producing companies, radio and TV installations and publishing houses and at the distribution and marketing levels has been very adeptly combined with control over publicity and advertising companies. Thus, there is an iron-clad circuit from advertising to the communications media. When one adds to this iron grip within the country the Zionist power wielded within the international press agencies, one clearly understands the degree of penetration and control achieved by the Zionists in the world of communications. This situation, however, is not only of deplorable magnitude, but is also concealed by all the media. There are important studies on the penetration of North American imperialism in the communications media and efforts are constantly made to mention the subject in communications schools, forums and public and private discussions. However the problem of Zionist penetration and falsification is not discussed: the subject is taboo and in bad taste. The censorship which has not been able to silence denunciations of imperialism is clamped down on any denunciation of Zionism, so that the true face of imperialist-Zionist unity in the world is disguised.

Special mention should be made of the fact that the cultural papers or supplements of the major Venezuelan dailies are directed or controlled by Zionists, and that their pages extol and promote "values" which favour the cause of the State of Israel and of international Zionism.

The editorial pages of newspapers are also controlled by pro-Zionists and Zionists. It is difficult for any of the major dailies to publish impartial or pro-Arab material. There have even been instances when statements trying to give the public the objective versions of events have been rejected. On some occasions, Arab ambassadors have been prevented from publishing paid statements explaining or denying fabricated stories or lies emanating from Israeli circles.

It would be useful to carry out inquiries at press institutes and schools of journalism into Zionist penetration and control of the medias cinema, television, the press, radio and distribution networks.

(d) National universities

Currently, the State of Israel has contracts for assistance and collaboration with all the national universities without exception. Nobody has reproved or made inquiries as to the nature of those agreements or the suitability of such contracts. The schools of agronomy, medicine, arts, mining and so on, have agreements which are not justifiable from any academic or scientific standpoint. They are political agreements with political aims. Moreover, official Zionist circles have the support of highly placed people in the administrations of the universities. Four or five times a year, political and cultural agents come to our universities to organize forums, lectures and round tables. Zionist organizations in Venezuela promote series of lectures, mini-congresses, meetings on literary, scientific and artistic topics to do this, the staff, premises and other facilities of the universities are put at their disposal, as are the prestige, political and moral backing of those institutions.

HOW THE COMPLEX OPERATES

Imperialist-Zionist culture

The way in which the imperialists and Zionists influence the mass media should be seen as an integral part of a comprehensive military, industrial and cultural strategy. Cultural domination should not be considered in isolation from financial, military and industrial domination. At the fourth meeting of communications researchers (AVIC, Maracaibo, 1981), Professor Hector Mujica presented a paper entitled "Initial study on the military, industrial, cultural complex in imperialist domination" in which he said:

"This is also what happens in our countries that are in the North American telecommunications orbits the Americans control our entire domestic economy; we depend on their giant specialized corporations for our every daily need, from postal and telephone services to missiles for the navy and computers for the organization of our armed forces. They have us - so to speak - cornered, not only in our daily life but also geographically: in the air, on the ground and in the subsoil. We have been hearing the following saying, which epitomizes the prevailing dependent mentality, ever since we were children: 'We must emulate the United States in order to develop.' And that is what we have done for more than half a century. But, to the same extent that we import more and more sophisticated technology) update our systems of business organization, administration and management along American lines) import sophisticated systems, methods and equipment for our security and defence) to the extent that all the mass communications media are based on American hardware and software, and to the same extent that we now depend on American telecommunications companies like ITT, Westinghouse, RCA and so on, to that same extent do we increase our dependence. We are, as the well-known RCA slogan says, 'His master's voice.' We are the echo."

The associations of advertisers and advertising firms are the backbone of the system of domination.

The following passage was published in the organ of the National Association of Advertisers (ANDA), Publicidad, Profesional, Publicitaria (PPP) of 1980: "Any standard text devoted to analysing expenditure on advertising will invariably include a famous quotation of an equally well-known company chairman: 'To me advertising remains one of the great mysteries of American business activity. I am perfectly capable of making an inventory of my stock in hand and calculating the cost of running my factories. I can forecast the amount of tax for which I am liable, estimate the depreciation in my stock and determine my sales expenses; I can even predict how much dividend I will pay. On the other hand, I spend up to \$18 million (81 million bolívares) on advertising a year and I do not have the slightest idea what I am really getting for my money.'" (In 1965, his country spent 15,120 million on advertising.) This is how the chairman of one of the world's largest firms expressed that uncertainty: "I know that at least half of what I spend on advertising is misspent but what I do not know is which half."

Although in our country only about 500 million bolívares are spent on advertising a year, it was inevitable that a group of people should begin to want to introduce methods and techniques that will permit the best return from investments in this country as well.

On 30 August 1957, a National Association of Advertisers, commonly known today by its acronym ANDA, was established as a non-profit-making association.

Today, ANDA has managed to bring together under its umbrella, the biggest advertising firms in the country; they represent the group advocating total investment in advertising.

BLOQUE DE PRENSA VENEZOLANO (VENEZUELAN PRESS ASSOCIATION)

Headquarters:

Edif. El Universal, 10 piso, Av. Urdaneta, Esq. Animas Caracas 101.

Tel. 561 97 80-561 77 04

Board of Directors, 1979-1981

President	Dr. Luis Teofilo Nuñez Arismendi
1st Vice-President	Armando de Armas
2nd Vice-President	Esteban Pineda Belloso
3rd Vice-President	Eduardo Gómez Tamayo
Secretary-General	Dr. Germán Chiossone Lares
Directors	Miguel Angel Capriles
	Moris Eduardo Heredia
	Dr. Juan Manuel Carmona
	Dr. Héctor Payares
	Gonzalo Plaza

The Board of Directors is elected in September each year.

List of members

Publicaciones Capriles (Cesar Capriles)
El Impulso (Dr. Juan Manuel Carmona)
El Universal (Luis Teofilo Nunez Arismendi)
Bloque de publicaciones Dearmas (Armando de Armas. H.)
El Carabobefo (Eduardo Alemán)
The Daily Journal (Jules Waldman)
El Diario (Carora) (António Herrera Oropeza)
Revista Ellas (Nery Ruso)
El Aragueño (Martín Villarroel)
El Informador (Dr. Carlos Sequera Yépez)
El Luchador (Dr. Ramón Castro)
La Nación (Miguel Nuñez)
El Siglo (Manuel Capriles)
Gaceta Hipica (Benign Martín)
Diario de Oriente (Leobardo Espinoza Martínez)
El Corriere di Caracas (Octavio Patarino)
El Regional (Héctor Payares)
La Religión (Mons. Bernardo Heredia)

FEDERACION VENEZOLANA DE AGENCIAS DE PUBLICIDAD (VENEZUELAN FEDERATION OF ADVERTISING AGENCIES) FEVAP

Headquarters:

EdF. Roraima, 20 piso, Letra C., Av. Francisco de Miranda, Campo Alegre, Caracas 106

Tel. 33 42 56-33 65 -5

Board of Directors

President Vice-President	Rafael Acosta Rubio, Jr.
Treasurer	Carlos Bello
Directors	Ramón Martínez Anzola
	José Manuel González Llorente,
	Guillermo Zinny,
	Alberto Betancourt Iribarren,
	Guillermo Martín Lozano,
	Guillermo Zuloaga Núñez,
	J. A. Moreno Valbuena
Legal Adviser	Dr. Reina de Biagioni

FEVAP was established on the initiative of a group of major advertising agencies which saw an urgent need to unite in order to improve their efficiency and to organize the development of the industry.

This civil association was legally registered in September 1958, with the objectives set out in its declaration of principles, as follows:

1. To promote and advance the common interests of advertising agencies and constantly to improve its services to advertisers, advertising media and the general public.
2. To promote greater understanding of advertising in all areas, and to emphasize its value as a public service, in terms of education and information, which contributes to Venezuela's cultural and economic development.
3. To promote the use of sound and constructive practices in all advertising, with the aim of preserving honesty, responsibility and good taste in advertising.
4. To encourage and promote scientific market research, to collect and disseminate information and useful ideas among members of the Federation, their clients, the media in general and other interested parties.
5. To maintain and further the understanding and co-operation which exists among advertising agencies, advertisers and the media, and to co-operate with public, commercial and industrial institutions in the field of advertising.
6. To affirm and promote the highly professional principles which characterize the members of the Federation and to stress the varied services which advertising agencies offer and perform on behalf of their clients.

The Board of Directors is elected in the first fortnight in April of each year.

AFFILIATED AGENCIES:

ABC-McCANN PUBLICIDAD, S. A.
ARAUJO & ASOCIADOS, C. A.
ARS MORENO VALBUENA, C.A. PUBLICIDAD
ARS PUBLICIDAD, S. A.
ATEMA PUBLICIDAD, C.A.

BLANCO URIBE & ASOCIADOS., C.A. PUBLICIDAD
BRAUNSTEIN/BOOM & ASOCIADOS, C.A.

CORPA DE MARACAIBO, C.A.
CORPORACION PUBLICITARIA NACIONAL , C. A.-CORPA.
CREATEROL, C. A PUBLICIDAD

EMEVE PUBLICIDAD, C.A.

F. CROSS PUBLICIDAD, C.A.
FISCHER, FINEMAN & ASOCIADOS, C.A.
FLOWER & ASOCIADOS, C.A.
FRANKLIN WHAITE & ASOCIADOS, S.A.

GAMMA PUBLICIDAD, C.A.
CHERSY/QUINTERO PUBLICIDAD, C.A. COMUNICACION Y MERCADEO
GRANT-MERCAPLAN PUBLICIDAD, S.A.
GREY ADVERTISING DE VENEZUELA, C.A.

HUMBERTO MUÑOZ PUBLICIDAD, S.A.

IMAGEN & PUBLICIDAD, S. A. IN
INTERNACIONAL MARKETING COMMUNICATIONS, C.A. I.M.C.

JMC-CREATIVIDAD ORIENTADA, C.A.
J. WALTER THOMPSON DE VENEZUELA, C.A.

LAFERRIERE ASOCIADOS, C.A. PUBLICIDAD
LANZA PUBLICIDAD, C.A.
LEO BURNETT VENEZUELA, C.A.
LUIS FELIPE RODRIGUEZ, C.A.. PUBLICIDAD

M.A.D. MARKS
MATHEUS & ASOCIADOS PUBLICIDAD, C.A.
MERCADEO, CREATIVIDAD Y COMUNICACIONES, C.A. ?LA NUEVA GENTE EN PUBLICIDAD
D. P. P. A., C.A. (ORGANIZACION PUBLICITARIOS PROFESIONALES ASOCIADOS)

PuBLEX PUBLICIDAD, S.A.
PUBLICIDAD EXTO DE VENEZUELA, C.A.
PUBLICIDAD FORNARI, C.A.
PUBLICIDAD OIR, C.A. (ANTONIO ERMINY & ASOCIADOS)
PUBLICIDAD PHAROS, C.A.
PUBLICIDAD REPUBLICA, C.A.
PUBLICIDAD SIBONEY, C.A.
PUBLICIDAD TECME, C.A.
PUBLICIDAD TORBES, C.A.
PUBLICISTAS ASOCIADOS, C.A.-PAS

RAMIRO SOSA PUBLICIDAD, S.R.L.

67 PUBLICIDAD, S.A.
SERTEC, KENYON & ECKHARDT, S.A.
SISTEMAS DE COMUNICACION SOCIAL, C.S. (PUBSISTEMAS, C.A.)

TECNICA INTERAMERICANA DE PUBLICIDAD, S.A.-TIPSA

VARPO PUBLICIDAD, C.A.

In Venezuela there are 380 advertising agencies handling accounts totalling 1.6 million bolivares (some \$400 million) per annum. Of these 380 agencies only 24 belong to FEVAP, which is the Venezuelan branch of the International Advertising Association (USA). The 10 main agencies in Venezuela are United States companies, with the exception of ARS, in second place, and OPPA in ninth place, which are Venezuelan. The leading agency is McCANN ERICKSON (USA), with a turnover of 140 million bolivares per annum. Advertising agencies take a net profit of 20 per cent, representing a profit of 320 million bolivares per annum.

The capital and the provinces

It should be borne in mind that the press and radio and television in Caracas are under imperialist-Zionist control, which does not extend to provincial radio. Local newspapers and radio stations in the interior of the country are substantially freer and more democratic than those in the capital.

The press in Caracas and the interior

EL UNIVERSAL. Conservative daily in the Venezuelan capital. Linked to the interests of bourgeois importers and merchants - 200 million bolivares in advertising per annum. Has very close links with zionism. Its cultural page is run by Sofia Imber de Rangel (reputed Zionist, see annex). Owned by the family of Luis Teófilo Núñez. Circulation 100,000 daily.

EL NACIONAL. Linked to the financial bourgeoisie and political and military bureaucracy. Zionist-imperialist and transnational influence.

Advertising: 150 million bolivares.

Circulation: 130,000 copies daily.

Director: Ramón S. Velazquez.

ULTIMAS NOTICIAS. Morning newspaper of the Capriles chain - Zionist.

Director: Nelsón Luis Martínez.

Advertising: 80 million bolivares.

Circulation: 140,000 copies daily.

DIARIO DE CARACAS. National leader. Phellps. pro-United States.

Circulation: .40,000 copies daily.

MERIDIANO. Sports daily, but with general news.

Circulation: from 150,000 to 200,000 copies.

DAILY JOURNAL. English-language daily.

Circulation: 15,000 copies daily.

LA RELIGION. Catholic daily - Church interest.

Circulation: 15 copies.

EL MUNDO. Capriles chain - Daily evening newspaper.

Circulation: 100,000 copies daily.

2001. De Armas chain.

Circulation: 140,000 copies daily.

TRIBUNAL POPULAR. Communist Party weekly.

Circulation: 10,000 copies.

VOCE DE ITALIA. Italian daily.

Circulation: 150 copies daily.

PANORAMA (Maracaibo)

Circulation: 80,000 copies daily.

EL NACIONAL DE OCCIDENTE (Maracaibo)

Circulation: 50,000 copies daily.

EL IMPULSO (Barquisimeto)

Circulation: 20,000 copies daily.

CRITICA (Maracaibo)

Circulation: 60,000 copies daily.

EL CARABOBEÑO (Valencia)

Circulation: 30,000 copies daily.

NOTITARDE (Valencia)

Circulation: 40,000 copies daily.

EL NUEVO VENEZOLANO. Weekly.

Director: Domingo A. Rangel.

Circulation: 15,000 copies.

That is, a nationwide total of 2 million copies.

RADIO AND TV

RADIO: 146 private transmitters.

RADIO: 4 State transmitters.

TV: 2 State channels. 2 private channels.

PRIVATE TV

Channel 2 - Radio Caracas Televisión, Phellps consortium.

Channel 4 - Venevisión, Cisneros - linked to imperialism and zionism.

Communications networks

1. CISNEROS

Owners of the Venevisión TV channel and same transmitters in the interior of the country - Zionists, closely linked with the United States military-cultural complex.

2. DE ARMAS network

Owned by DE ARMAS, Zionist linked to the United States advertising network. Publishes Meridiano and 2001 and distributes almost 150 publications. Branches in Santo Domingo, Florida, Panama, Colombia, Ecuador, Curacao and Aruba. Continental distributor.

3. CAPRILES network

Owned by Miguel Angel Capriles, Zionist, publishes El Mundo, Ultimas Noticias, Crítica and weekly magazines. Distributes almost 100 publications through DIPUCA.

4. PELLIPS network

Owners of Radio Caracas, Radio Caracas TV and the Diario de Caracas.

Press distribution

PASA:

PRESS Agencia, S.A.

El Nacional - The Daily Journal

DI PUCA:

Ultimas Noticias
El Mundo
Crítica

CONTINENTAL:

2001 - Meridiano

TRANSPREM

El Universal
La Religión

Trade unions and professional associations

The position in press trade unions and journalists' associations is quite different from that in the media. The latter are controlled by imperialism and zionism while most journalists are democratic and progressive.

Press and graphic arts workers' unions are controlled by the left, and are not influenced by Zionists. The Colegio Nacional de Periodistas (National Journalists' Association) is also left wing.

CINEMA

The cinema is controlled by distributing agencies (Blancica, Cines Unidos) and by cinema owners. Zionist control of the cinema is complete, with the exception of La Piramide cinema, cinema clubs and experimental Venezuelan films.

Journalists

Zionist journalists: Carlos Rangel (CIA)
Sofía Rangel (CIA)
Rafael Poleo (CIA)
Alicia Preilich de Segal

Zionist intellectuals: Marisa Kohn de Beker
Juan Nuño
Orlando Alborno

THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE

José A. García Lara

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 rights to 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 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 régime of Israel, which day after day tramples upon the "existing catalogue of human rights" of the Palestinian people.

Paradoxically, the leaders of that régime which practices 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 inter-national 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 co-existence and the principles of international public law. Article 6 of the United Nations Charter 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 fulfils 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 régime.

Since 1948, Israel has repeatedly deprived the Palestinian people of their right to self-determination, an indispensable premise for the full exercise of the other human rights. A people who cannot freely determine their 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 tennet of the Hebrew religious doctrine formulated at a time when the Prophets condemned the corruption, the robbery and the 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 Emunin 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 for the investigation of human rights violations in occupied territories, since 1967 the Military Government of occupation has confiscated, "purchased" and expropriated more than 970 square kilometers, 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 of psychological pressure.

The expropriation and acquisition of land and the authorization for Israeli citizens to obtain lands in the occupied Palestinian home-land 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 occupied territories.

The annexation of territories by Israel was condemned by Resolution 33/113 of December 18, 1978. Israeli settlements in occupied territories have been declared without legal validity by Security Council Resolution 452 of July 20, 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 return to the homeland territories of which they were deprived by economic, military or psychological coercion, together with self-determination; is a fundamental part of the inalienable rights of the Palestinian people.

The right to 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 régime 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 their territories is contained in Resolution 3236(XXIX) of the United Nations General Assembly 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 their inalienable rights. The letter and the spirit of those instruments express the principles that govern relations among peoples and international co-operation, enunciated in Resolution 1815(XV) 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 co-operate 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 régime and have prevented the Palestinians by force from the free exercise thereof.

We do not, of course, expect the terrorist Israeli régime to comply with principles whose implementation would eliminate the threat of war and create favourable conditions for a lasting peace. The Zionist régime is part of the imperialist system, practises 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 Resolution 1514(XV) of December 15, 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 February 14 to March 14, 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 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 Avneri 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 Jalazoun, near Ramallah, and Dehezcheh, 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 régime 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, facism 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 defense 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 régime 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 they are waging their struggle for national liberation for the retrieval of their national identity and their 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 their objectives of freedom and national independence, and, without abandoning their struggle for national liberation, they have, through all the means at their disposal, reaffirmed their 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 their road to freedom so that they may enjoy the exercise of their inalienable rights.

BIBLIOGRAPHY

Report of the Commission on Human Rights at its thirty-sixth session (4 February - 14 March 1980)

Zionisme et droits de l'homme, Felicia Langer.

Handbook of resolutions and decisions of the World Health Assembly (1973 - 1980).

Report on the living conditions of the Palestinian people in the occupied Arab territories submitted to the General Assembly at its thirty-fifth session by the Secretary-General of the United Nations.

Sixty-fifth meeting (1980) of the International Labour Conference. Aspectos socio-psicológicos de la política del terror, Isabel Rodríguez.

The Arabs under Israeli Occupation, 1977, Institute for Palestinian Studies.

Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (1980, thirty-fifth session of the General Assembly).

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

La determinación de los palestinos del interior, Amon Kopoliou.

Israel, an 20, Claude Renglet

La política de Estados Unidos hacia el Medio Oriente, J.A.G.L.

SOME CONSIDERATIONS ON THE ESTABLISHMENT OF A PALESTINIAN STATE

Horacio Sevilla-Borja

In the current century, mankind has seen various conflicts which have caused indescribable suffering to peoples. Two world wars, which brought civilization to the brink of destruction, numerous conflicts of limited scope, 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 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 exist as a nation, possess a territory, have a basic organization and enjoy 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 their 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 which 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 Canaanites and Philistines, go back more than five thousand 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 their long history, the Palestinian people have 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 Salomon. 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 oecumenism 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 Hertzl, one of the most important ideologues of zionism, published the book *Der Juderstaat* (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 which for centuries inhabited a specific territory i.e., which 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 said that: "Certain communities formerly belonging to the Turkish Empire have reached such a stage of development that their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a Mandatory 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 Mandatory."

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, 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 Arabs who now inhabit that ancient land". From a reading of these expressions, 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 is clear.

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 totalled 20,000 and in 1917 rose to 60,000, meaning a 9 per cent increase in the total population of Palestine, 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 their unequivocal desire for freedom and independence. On 29 November 1947, the United Nations General Assembly, by Resolution 181(11), 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 adjacent areas, 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-Kellog Pact of 1939 become binding norms of international law forming part of jus cogens, principles which were later incorporated as substantive norms of binding character in the United Nations Charter, when the legally organized international community was established, and according to which conquest 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 which 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 19+8 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 of the 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 one 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 is starting in 1969, through the adoption of the historic General Assembly Resolution 2535B(XXIV), followed by other resolutions, such as 2672C(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 managed as a result of the process of decolonization, and recognizing 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 conjuncture, 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. Their vital survival activity is being organized through an internal political hierarchy, the PLO; their action is inscribed in the framework of the liberation struggles of the Third World; their own identity is clearly nourished by their historic traditions and enriched by the emergence of an ideological thought which combines the Palestinian national spirit with an Arab popular 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, have existed for thousands of years. Their presence is even more real and vivid at the present time, inasmuch as the domination, harassment and persecution to which they have been subjected have served as an agglutinating factor to define more clearly their 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 their 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 Palestine Liberation Organization (PLO), which has passed from clandestine action to the work of action and representation.

(d) A great number of states members of the legally organized international community (more than one hundred states) recognize this Palestinian organization as the authentic representative of their people and as a subject of international law.

From all the foregoing, from the legal viewpoint, it is perfectly valid if the Palestinian people, in their exercise of their right to self-determination, choose the establishment of a Palestinian state established in part of what was formerly the historical territory of Palestine, as the best form of organizing their nation legally. That state would be none other than the historical perspective of the ancient Arab Palestine, which, in modern times has been clearly demarcated, firstly with the separation from the Ottoman Empire at the end of the First World War and again with the adoption of the resolution on the partition of Palestine.

The principle of self-determination, in spite of its lengthy historical genesis, was clearly established as an obligatory norm of international law applicable to peoples and nations with the adoption of Articles 1 and 55 of the United Nations Charter. The exercise of this right is not linked in modern international law with any specific form of expression of such a wish. It is for the peoples, in their exercise of their inalienable right to self-determination, to choose the form of self-determination that is most appropriate to their interests. In that regard, the Declaration on Principles of International Law Relating to Friendly Relations and Co-operation Among States, adopted by General Assembly Resolution 2625A(XXV) in 1970 provides that the establishment of an independent sovereign state, free association with or integration in an independent state or any political status freely determined by a people constitute forms of implementation of the principle of self-determination by that people.

Accordingly, that right to self-determination for the Palestinian people must be exercised if the principles of international law, together with moral and ethical norms, are to be observed and if a political solution is to be found to the problem of the Middle East. Inasmuch as that self-determination cannot be obtained through the tepid concessions of controlled autonomy, as envisaged in the Camp David accords, but through authentic processes of self-determination, which, as I said at the beginning, fall within a broader political framework for the solution of the overall problem of the Middle East. The self-determination of the people of Palestine, which includes the legitimate right to establish an independent State, is the basic element that will make it possible to achieve a just, stable and lasting peace in the Middle East.

HUMAN RIGHTS AND PALESTINE: RECENT DEVELOPMENTS

John Quigley

Discussion of human rights in Palestine differs markedly from 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 pretense 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 Defense. 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 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 World War II, 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, wrote: The fact came out repeatedly in the Commission's conferences 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, which 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 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 the land rights of Bedouin Palestinians in the Negev Desert, in particular in connexion 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 increasing 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, titled Order for Prevention of Terror, forbids public manifestations of support for organizations defined by the Israeli Government as "terrorist". This measure is apparently aimed at 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 international 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 has occurred in 1980 with respect to Israeli Jews who have refused military service on the West Bank. During the past two years, a movement has 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. Soldiers frequently patrol West Bank towns and roads. In July 1979, 27 Israeli high school students sent a letter to the Minister of Defense, 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 on the West Bank, and some of these have been court-martialed 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 have witnessed increased violations of human rights with respect to settlements and the universities. Construction of settlement-colonies has 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 an expected loss by the Begin Government in the 1981 elections. In 1981, the United States Government, under a new administration, declared that construction and maintenance of the settlement-colonies do not violate Article 49. Previously, the United States Government had condemned the settlement-colonies as violative of Article 49. This change in position removed what little restraint the previous United States position had exerted on construction of settlement-colonies. Another serious increase in human rights violations occurred in 1980-81 with respect to West Bank universities. These universities have become instruments for perpetuation of Palestinian history and culture, as well as places where Palestinian national sentiment is reinforced. In July 1980, an order issued by West Bank Military Governor General Benyamin Eliezer extended to West Bank universities a 1964 Jordan statute on government regulation of secondary schools. This Jordan statute gives extensive control to the Government over educational institutions at the secondary level, in particular with regard to the hiring and firing of faculty, admission of students, and establishment of curriculum. The Government of Israel, while admitting that the 1964 Jordan statute was not drafted for regulation of universities, justifies 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, the argument runs, the most lawful approach was to utilize the Jordanian statute on secondary schools ^{13/}. The Government of Israel further argues that according to the law of military occupation it has the right to prevent teaching that would incite students to oppose the occupation ^{14/}. 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 a college of science at Abu Dis (West Bank), thereby forcing its closure. As a result, the college remains closed to the present time. 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 ^{15/}. In November 1980, General Elizer ordered the closing of a series of cultural events at the Bir Zeit University. He has withdrawn visas without explanation from a number of non-resident faculty members at the same university. Soldiers patrol university campuses in the West Bank on a daily basis, leading to 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 sites in Bethlehem. No explanation was given for the denial ^{16/}. Restriction had become extremely close of any speech or other expressive activity directed against the occupation. 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 titled Order on the Prohibition of Incitement and Adverse Propaganda ^{17/}. That order, which calls for a jail term up to ten 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 carried out any action with the intention of carrying out or of facilitating the carrying out of any action mentioned above.

Order No. 101 also prohibits the raising of a flag without permission of the military governor. In addition, Order No. 101 requires a permit for a "march", defined as

a march of ten 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, eighty 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 ^{18/}.

Use of the word "Palestine" is often prohibited.

A 1980 court case concerned the application of two journalists to register with the Israel Register of Companies a business titled "Palestine Press

Service". The application was denied by the Register on the grounds that the term "Palestine" is "offensive to the Israeli public" an Israeli district court judge upheld the recognition because of "the offensive nature of the proposed title".^{19/}

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.^{20/}

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.^{21/}

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 (Article 2), does provide such protection (Article 19), as do other international human rights documents.

A related human rights deprivation that has assumed increasing significance during 1980-81 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 governors. 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 of 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 Elizer. Explaining the reason for the cancellation, General Elizer 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.^{22/}

The cancellation was thus motivated by a fear that the elections would bring to office persons with views inimical to the interests of the Government of Israel.

Also during 1980, General Elizer expelled two West Bank mayors. Mayors Fahd Kawasmeh of Al Khalil (Hebron) and Mohammed Milhem of Halhoul were expelled in the wake of disturbances in their cities in May 1980. Despite an international protest, the Israeli Government has so far refused to rescind the expulsion orders. Two other West Bank mayors, Bassani Shaka'a of Nablus and Karim Khalaf of Ramallah, were seriously maimed in assassination attempts on 2 June 1980, under circumstances that have not dispelled allegations of Israeli governmental collusion.

It is ironic at a time when the Government of Israel is supposedly negotiating with Egypt to accord self-governance to West Bank and Gaza Palestinians that 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 as 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 Palestinian fighters satisfy the requirements established by international humanitarian law to be considered "combatants". A captured "combatant", according to inter-national 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, Abu Ein was charged, Abu Ein was in the United States (1979). 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. 448-449.
2. Memoirs of former Israeli Prime Minister Itzhak Rabin, reported in the *New York Times*, Oct. 23, 1979, p. 3, col. 1, and in *New sweek*, Nov. 5, 1979, p. 68.
3. Erskine Childers, "The Other Exodus", re-printed in *The Israel-Arab Reader* (Walter Laqueur, ed.), 1969, p. 145.
4. *Davar*, Sept. 29, 1967.
5. *Israeli League for Human and Civil Rights (the Shahak Papers)* Adnon Amad, ed.), 1973.
6. Don Peretz, *Israel and the Palestine Arabs*, forward by Roger Baldwin, 1958.
7. Uri Davis, *Israel: Utopia Incorporated*, 1977.
8. *Ha'aretz*, Dec.2, 1980; *Al-Fair*, Jan 18, 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 (U.S.A.) 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 violation of rights of Palestinians 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*, typescript document distributed by Israeli consular offices in the United States, 1981.
13. Id.
14. Id.
15. July 14, 1980, Case no. 322/8, unpublished, cited in International Commission of Jurists, *The West Bank and the Rule of Law*, 1980, p. 89.
16. Interview by author with Father Joseph B. Loewenstein, President of Bethlehem University, Bethlehem Nov. 27, 1980.
17. Military Order No. 101, Aug 27, 1967, as amended by Military Order No. 718, text printed in International Commission of Jurists, *The West Bank and the Rule of Law*, pp. 126-128.
18. Id., p. 82.
19. *Al-Fair*, Jan. 18, p. 7.
20. *1980 Country Reports on Human Rights Practices*, p. 1008.
21. Orders for town arrest were issued effective August 7, 1980, and continue in effect as of this writing.
22. *New York Times*, March 27, 1981, p. 4, col. 6.

THE PALESTINIAN QUESTION AND THE LATIN AMERICAN PUBLIC OPINION

Camilo O. Pérez

The topic lends itself to special investigation. There is no bibliography directly related to the matter. Our intention stems from our own experience, from

our observations and - why not say so - from our conditions for comparing similar situations which may be taken into consideration for the discussion of the topic assigned to us.

"The question of Palestine" involves, as a problem, the need to awaken interest in international public opinion. The historical background is taught in the universities.

It is a question of explaining objectively the origin of the partition of the Palestinian Mandate. It becomes necessary also to explain the form in which the State of Israel arose, what were the factors, how the Jews waged their terrorist struggle against the British and others and why the goal was always to secure the minimum territory for the emergence of the State of Israel.

The documents at hand confirm the development and escalation of the tactics and strategy of the Jewish leaders. Today, when the State of Israel is a fact, having been endorsed by the United Nations in 1948, the foundation of the State of Palestine arises a duty towards a collective will.

It is here, at this juncture that we discover that Latin American public opinion knows very little about the matter.

What is to be done, then, to remedy the inaccessibility of the Palestinian question to Latin American public opinion?

I am going to propose a very concrete scheme which will contribute to the improvement of the method of publicizing that question in the continental area from which I come.

Up to now, the various resolutions adopted by the United Nations have been in short supply. They are distributed internally, the task of distribution being left to governments, because the United Nations is an international governmental entity.

However, not all governments are prepared to serve as a source for the publicizing of a problem which forms a part of the type of foreign policy which every responsible government must employ.

Factors appear which have to be taken into account. How, for example, to avoid emphasizing the indifference of our governments? By requesting, through the United Nations, that every delegation undertake to disseminate its decisions and thus avoid such decisions serving only to swell confidential files. At present, Latin American public opinion depends on the committees for solidarity with the struggle of the Palestinian people for a knowledge of the substance of this struggle, which is expanding in time and space.

Some university nuclei are somewhat concerned about the matter when they agitate for political claims, but, when the political debates are over, they revert to inertia and revive only on commemorative occasions.

Another aspect is the handling of the news, in Latin America in particular. Since it is the North American news agencies which reach it, as they monopolize the social communication media, it may quite frequently be noted that the news is concerned more with propaganda and hatred than with exploration of the substance of the Palestinian problem.

Latin Americans also have the impression that the problem of the Palestinian question has no immediate solution, because they suffer from very direct brain-washing caused by news agencies that are prepared to look at one side of the coin.

One gets the impression, moreover, that Jewish influence on the social communication media is a reality. Some news broadcasts deliberately stress this fact.

The case of Panama is notorious. The daily newspaper *La Prensa*, of conservative tendency, which opposed the non-aligned policy of the national Government from the outset, is in the hands of Jewish businessmen. This reality rules out the existence of a balance in the discussion, which is necessary if the Palestinian question is not to be taken as propaganda without scientific content and thus fail to kindle more sympathies. This is because neither the Arabs nor the Palestinians have their own media through which to reply.

Another aspect is the lack of media for the dissemination of news by the PLO itself. Initially, this task was delegated to Egypt and Libya. When the Egyptian Government decided to adopt the North American style in its foreign policy, a decision which culminated in the Camp David agreement, which was rejected by the United Nations itself, the task of dissemination was left in the hands of Libya and its People's Office in each country.

The Palestinian people exist, and the native peoples exist. Why not make a link-up between these similar circumstances and disseminate to Latin American public opinion that feeling of solidarity which may be fostered if it is pointed out that the Palestinians too are struggling for their territory, their own culture, their language, their religion and their traditions, which today constitute inalienable rights and which political constitutions confirm as a guarantee of collective human survival?

Why not explain what is meant by the term "people", thereby establishing a harmony with common interests and thence the formulation of a common awareness?

The indigenous people exist. This fact is true in Panama, the United States of America, Brazil, Ecuador, Colombia, Venezuela, Peru, Bolivia, Guyana, Suriname, French Guyana and elsewhere.

In some of these countries, the native population is being displaced and exterminated in order to solve demographic difficulties.

I believe that the comparison of both problems for the purpose of finding similarities would contribute to the awakening in Latin America of feelings of rapprochement, because the Latin American people view with profound sympathy the drama of the native population, its sufferings and the persecution to which it is constantly subjected.

Although some sectors view the question as an ecological problem, the great majority see it as an inalienable right of the natives, because they are the original inhabitants of these lands.

It is probable, therefore, that the Palestinian question will succeed in awakening the interest of Latin American public opinion and that Palestinian experts and leaders and their friends will be interested in what has been stated above, with a view to putting it to practical use.

I do not believe that these are theoretical ideas. On the contrary, they tend towards the genuinely possible. Analogies are utilizable, even though the circumstances are different.

In the United States, Jewish economic power is undeniably evident. Its influence is notorious. However, problems with the natives exist there also. They are gradually disappearing and are fighting for their lands.

If the Latin American people know this, they would become more enthusiastic, knowing that they were fighting for the Palestinians' arguments for statehood and for a homeland through negotiation.

The means of social communication in Latin America are under the control of the system, with very few exceptions. Everything depends on the system. The United Nations knows that a system exists in every state in Latin America. With this knowledge, access could be gained to such media in order to enlighten public opinion on the Palestine question and the inalienable rights of the Palestinian people.

THE FUNDAMENTAL RIGHTS OF THE PALESTINIAN PEOPLE

Miguel A. D'Estefano Pisani

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 for 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 their 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 in 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, 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, four million of them, more than the Israelis 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 them their 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 Leon who in the 13th 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 very existence of the Palestinian people, the Zionists want to colonize Palestine as part of a 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 19+7 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 any 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 their 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 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 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 their 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 Emounin exists with the full backing of the Zionist Government? Israel has institutionalized terrorism, and this is evident by the numerous resolutions approved by the General Assembly and the Security Council to condemn them. The other argument put forth by Israel is its own security; it claims 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 régime, 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. 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 indemnization for all their properties seized by force, and to demand and obtain all kinds of moral, political and material assistance for their struggle.

Theirs 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 to 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 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 their right to self-determination, but before a people uprooted from their land and dispossessed of their 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 their right to self-determination and decide what form of government they want. According to the historical Resolution 1514(XV) on decolonization approved 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 their 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 approved in 1979 on the illegality of the Israeli settlement policy, or the 471 approved in 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 their 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 for African Unity and other international fora 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 fora that while the Zionist authorities are negotiating this so-called autonomy without the participation of the Palestinian people and the Palestine Liberation Organization, their 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 two million Palestinians have been expelled from their homeland, displaced by two 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 their own land, but Zionism practices a difference kind of colonialism under which it disperses a whole people, expelling them from their territory and substituting them with immigrants, conquerors and racists from all corners of the earth. More than twenty 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 the people of Palestine and of their sole legitimate representative, the Palestine Liberation Organization, 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 that others scheme in their 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 Palestine Liberation Organization; they are the cover necessary to send weapons to the Zionist régime; 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 Zion's 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 Resolution 34/65 B approved 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 19th 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 régime 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 axe - 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 Pekin 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 recurring 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 items 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 Guerrilla, Commander Ernesto Che Guevara, spoke of the need to create two, three Vietnams ... 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

6. LIST OF PARTICIPANTS

Delegation of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

H.E. Mr. Massamba SARRE (Senegal)
H.E. Mr. Andreas MAVROMMATIS (Cyprus)
Mr. Farid ZARIF (Afghanistan)
Mr. Zehdi Labib Terzi (Palestine Liberation Organization)

Names of Panelists - Country

Dr. Ibrahim ABU-LUGHOD - Palestinian
Dr. Janet ABU-LUGHOD -United States
Dr. Juan ABUGHATTAS ABUGHATTAS - Peru
Mrs. Sayan Nuwaihed AL HOUT - Palestinian
Dr. Miguel D'ESTAFANO PISANI - Cuba
Dr. Humberto DIAZ-CASANUEVA - Chile
Dr. Jose Antonio GARCIA LARA - Cuba
Mr. David GILMOUR - United Kingdom
Dr. Muhammad HALLAJ - Palestinian
Dr. Camilo OCTAVIO PEREZ - Panama
Dr. Julio PRADO VALLEJO - Ecuador
Dr. John QUIGLEY - United States
Dr. Domingo Alberto RANGEL - Venezuela
Dr. Horacio SEVILLA BORJA - Ecuador
Dr. Raja SHIHADDEH - Palestinian

Special Representative of the Secretary-General of the UN

Mr. Yogaraj Yogasundram

Countries Represented

Afghanistan

WEEDY, Abdul Hadi
Embassy of Afghanistan, Havana, Cuba

Algeria

SACI, Boulefaa
Charge d'Affaires, Embassy of Algeria, Havana, Cuba

Argentina

BOZZOLA, Antonio
Argentina Embassy of Argentina, Havana, Cuba

Cuba

LECHUGA, Carlos
Ambassador, Director of International Organisations Division, Ministry of Foreign Affairs

BARBER, Arturo
Ambassador, Director of North Africa and Middle East Division, Ministry of Foreign Affairs

ESTRADA, Ulises
Ambassador

RAMOS, Claudio
Head of Section, Foreign Relations Division, Central Committee of the Cuban Communist Party

VAZQUEZ DE LA GARZA, Jacinto
Ambassador

VELAZCO, Alberto
Ambassador

RODRIGUEZ, Lester
Ambassador

PEREZ-YERO, Ramon
Ministry of Foreign Affairs

Iraq

AWAD, Nasif
Deputy Head of Palestine Bureau in
Arab Baath Socialist Party

TAEFEEQ, Arshad
Ambassador of Iraq, Havana, Cuba
Jamaica

FACEY, Lynden
Embassy of Jamaica, Havana, Cuba

Jordan

BURAYZAT, Musa
Attache
Permanent Mission of Jordan to the United Nations, New York

Republic of Korea

SOH, Byungyong
Counsellor
Permanent Observer Mission, United Nations
CH00, Jin-Yup
Permanent Observer Mission, United Nations

Nicaragua

HERMIDA, Jaime
First Secretary, Permanent Mission, United
Nations

VALLE, Marco A.
Ambassador of Nicaragua, Havana, Cuba

Mexico

ACEVEDO, Ernesto
Embassy of Mexico, Havana, Cuba

Panama

BARROW, Rolando E.
Embassy of Panama, Havana, Cuba

RUIZ, Jorge E.
Embassy of Panama, Havana, Cuba.

Seychelles

GONTHIER, Giovinella
Counsellor
Permanent Mission, United Nations

Sierra Leone

TAYLOR, Alexander R.
Head of Chancellery, Embassy of Sierra Leone, Havana, Cuba

Syrian Arab Republic

FOZAT, Kori
Embassy of the Syrian Arab Republic, Havana, Cuba

WASSEL, Khider
Embassy of the Syrian Arab Republic, Havana, Cuba
Viet Nam
CA, Doan Dinh

Vietnam Embassy of Vietnam, Havana, Cuba

NGO, Nguyen-hui
Embassy of Vietnam, Havana, Cuba

(Western Sahara)

SALEK, Mohamed
Charge d'Affaires,
Embassy of Western Sahara, Havana, Cuba

Democratic Yemen

Hazaa Al-Dali
First Secretary
Embassy of the Democratic Yemen, Havana, Cuba

Yugoslavia
Dubravka Raseta
Embassy of the S.F. Republic of Yugoslavia
Havana, Cuba

Representatives of Organizations

Mr. Imad JADAA
Palestine Liberation Organization

Ms. Rosa VELEZ
Cuban Institute of Friendship

Ms. Melba HERNANDEZ
Ms. Irene Ester Ruiz
Solidarity Organization of the Peoples of Asia, Africa and Latin America
Cuban Institute of Friendship Cuban Peace Movement

Mr. Juan José LEON VEGO
National Peasants' Association of Cuba

Ms. Elena Pérez NARBONA
Federation of Cuban Women Palestine Liberation Organization Palestine Liberation Organization

Mr. Abdullah ABDULLAH
Palestine Liberation Organization

Mrs. Marjis ABDULLAH
Palestine Liberation Organization

Mr. Alex LA GUMA
African National Congress of South Africa

Mass Media Representation(Local)

Mrs. Silvia ALFONSO CASOLA
Information Officer
Ministry of External Affairs, Cuba Press

Press

Mr. Ismael GARCIA
Ms. Olga GONZALEZ GODINES
Mr. Cecilio PARRA GONZALEZ
Mr. Nelson Fleites RODRIGUEZ
Hedelberto Lopez Blanch
Mr. Carlos Gorina Ruiz
Mr. Carlos R. Mayol Vitóla (Photographer)
Ms. Amands Lopez Rivera (Press)
Mr. Rolando Ribera Blanco (Radio)
Mr. Rafael Medero Vega (Radio)
Mr. Juan Duffas Amel (Press)
Mr. Angel Ferrera Lopez (Radio)
Ms. Nidea Diaz (Press)
Ms. Delia Rodriguez Garcia (Radio)

Press

Mr. Leopoldo Formoso Lopez
Mr. Raul Castillo Hernandez
Mr. Carmen Villar Rivero
Ms. Marietta Manso
Mr. Juan Sanchez

Mr. Reynold Rassi Suarez
Mr. Juan Bacallao Padron (Radio)

Press

Mr. Delio Antonio Rodriguez
Mr. Pablo Pildain Prats
Mr. Rodolfo Casals Amey
Mr. Amaldo Santos
Mr. Eddy B. Martin Diaz (Photographer)
Mr. Jose L. Anaya (Photographer)
Mr. Rafael Zamora Diaz (Radio)

Television

Mr. Pedro Ventura Fernandez
Mr. Gilberto Vinas
Mr. Gregorio Vargas
Mr. Miguel Vinas Fuentes (Television)
Mrs. Maria de los A. Simon (Press)
Mrs. Susana del Calvo (Radio)
Mrs. Osama Khalil (Radio)

Photographers

Mr. Diosdado Yanes Jimenez
Mr. Jorge Luis Cabrera
Mr. Ivan Napoles
Mr. Juan R. Perez Ureta
Mr. Idelfonso Ramos Valdes
Mr. Daniel Diez Castrillo
Mr. Ricardo Torres Urrea
Mr. Alberto A. Moreno Ferrer

Mass Media Representation (Foreign)

Press

Mr. Stauros Giannatos
Mr. Giannina Bertarelli
Mr. Jose Maria Izquierdo
Mr. Jorge E. Gonzelez Villa
Mr. Oleg Koleshikov
Mr. Wasel Kihder
Mr. Wang Tse Yu
Mr. Pham Phoi
Mr. Juan Manuel Lopez Gracis
Mr. Solis Campos Martal
Ms. Doris Marquardt
Mr. Fidel Gutierrez Moya
Mr. Gyla Ortutax
Mr. Pavel Bogomolov
Mr. Pol Pashalidis
Mr. Boris Scherbaker
Mr. Serguey Gorbunov
Mr. Anatoli Rusanov
Mr. Serguey Samoilov
Mr. Carlos Reyes de Mateis
Mr. Ernesto de los Santos
Mr. Alfredo Munoz Unsain
Mr. Pierre Cayrol
Mr. Moises Saab Soreneo
Mr. Raymundo Riva-Palacio
Mr. Manuel Felipe Sierr
Mr. Lionel Martin
Mr. Ilona
