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**Focus**

**Apartheid, Settler Colonialism and the Palestinian State 50 Years On**

With the Palestinians facing a belligerent occupation, an apartheid system that favors Jewish settlers and a growing settler colonial project, the Israeli-Palestinian conflict is becoming chronic, an ongoing Nakba.

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The Situation of an Ongoing Nakba

After 50 years of the Israeli occupation of the Palestinian territories of the West Bank, East Jerusalem and the Gaza Strip, the situation on the ground cannot be described as being any less than catastrophic for the Palestinians. This is a situation that can reasonably be described as a continuation of the 1948 *Nakba*.

The aspects and ramifications of this ongoing *Nakba* can be seen everywhere:

First, the Palestinians in East Jerusalem are losing their residency rights, facing house and land confiscations and also house demolitions.

Second, the 2 million Palestinians in Gaza live under constant attacks, imprisoned in their tiny 360 km2 strip, which they cannot use at all, representing one of the most densely populated areas in the world.

Third, in the West Bank, Area Ci Bedouins and farmers are subjected to ongoing processes of evacuation, land confiscations, settlement expansion and settler attacks. They are prevented from cultivating their land and from free movement.

Fourth, the Palestinians in Hebron are subjected to daily settler attacks and the division of their city into Hebronii 1, administered by the Palestinian Authority (PA), and Hebron 2, administered by the Israeli Authority.

Fifth, the Palestinians in Area A and Biii are being subjected to Israeli Army “hot incursions,” which occur at the discretion of the Israeli army to arrest, to assassinate Palestinian political activists or to demolish their houses.

Sixth, and finally, the plight of the Palestinian refugees continues almost 70 years after 1948 and 50 years after the displacement of persons in 1967.

In brief, an Israeli one-state solution in all the historical land of Palestine is in the making, while the Palestinians are facing a growing ignorance of their right to self-determination in an independent state on the 1967 borders. The PLO has accepted this compromise in 1988, a two-state solution to live side-by-side in peace and security with Israel. However, Israel is no longer interested in the two-state solution.

The Israeli researcher Ariel Handel described these processes as creating a “geography of catastrophe” (Handel, 2012), while the Palestinian scholar Sari Hanafi gives it the name “spacio-cide” (Hanafi, 2012). The latter of these descriptions reflects the elimination of both the space and the people who populate it. This is exemplified in the external dispossession of refugees and the internal dispossession of the occupants of Area C and East Jerusalem, both of which will be considered.

A further problem is that these dispossessions of the Palestinians are followed by the establishment of military camps and, in most cases, Israeli settlements. In the literature of political science and international relations, this combined process of displacement and replacement is called “settler colonialism.” In the Israeli-Palestinian case, this process is also planned and supported by the Israeli governments, while being protected by the Israeli occupying Army. What complicated such a situation even more is the denial of such a process at both the official and public levels of the State of Israel.

At the official level, the term “occupation” was not, and still is not, accepted. Neither are the descriptions of the Israeli settlers as colonials. Instead of using the term “occupation,” the Israeli government decided in 1967 to call the Palestinian territories occupied in 1967 as “areas administered by Israel.” The “legal” justification used for such a name is that these areas have never been territories of a Palestinian state, but were instead occupied by Jordan and Egypt in the period between 1948 and 1967. Upon this justification, which cannot be accepted by the international law of war, the areas were dealt with neither as being occupied, nor as having an identity.

Regardless of terminology used by the Israeli government or officials to legalize their occupation of the West Bank and Gaza, according to the international law and Article 42 of The Hague Regulations of 1907, it is a military occupation. Furthermore, these territories have been legitimately recognized as Palestinian since the United Nations General Assembly Resolution of 1947. This resolution is still valid today, even if it has not yet been implemented.

After the 1993 Oslo Declaration of Principles (DOP), the Israeli government changed the term it used from “areas administered by Israel” to “areas under dispute.” This means that they consider Israel to have equal claims to the territories as those held by the Palestinians. This change in terminology represented the Israeli interpretation of the Oslo Declaration of Principles — and also of Oslo II in 1995 — as if these agreements gave Israel the right to present ideas for territorial change through the annexation of some parts of West Bank to Israel, with or without a swap with the Palestinians.

In this regard, the annexation of East Jerusalem in 1967 — and its further expansion at the expense of West Bank territories — was made without “offering” any swap to the Palestinians. The current Israeli government is unwilling to propose swaps for their illegal settlement expansion that it is undertaking, for example all of the swap solutions that were presented during the initiative of the last U.S. secretary of state, John Kerry, between 2013 and 2014, did not pass due to the rejection of the Israeli prime minister, Binyamin Netanyahu. Not to mention the fact that the swap solutions that were presented during the Aqaba meeting in February 2016 between Netanyahu, King Abdullah of Jordan, President Abdel Fattah el-Sisi of Egypt, and Secretary of State Kerry, were not accepted by Israel, either.

The Israeli Position in Three Stages

As such, the Israeli government’s position regarding the 1967 occupied Palestinian territories (OPT) has already passed through three stages since 1967.

In the first stage, from 1967 to 1977, the occupied territories were temporarily considered as “areas administered by Israel” until a “territorial compromise” could be achieved regarding their future with Jordan. During this period the Israeli Mapai party-led governments started the Israeli settlement project in East Jerusalem (since 1967); Hebron, Gush Etzion and the Jordan Valley (since 1968); Gaza (from 1970); and around Nablus (from 1974-1975). The aim was to create Israeli facts on the ground that would influence the division of the “territories” between Israel and Jordan.

The second stage started in 1977, when the first right-wing government was composed, led by Prime Minister Menachem Begin, his government presented a different position: that the West Bank and East Jerusalem were part of the “Greater Land of Israel” and not just administered by it. As opposed to the previous government’s Yigal Alon Plan of 1967, which was aimed at annexing the Gaza Strip, East Jerusalem, the Southern Hills of Hebron and the Jordan Valley to Israel, this new government was ready to withdraw from Gaza, to hand it back to the Egyptian Administration. In the West Bank, this government decided to begin construction all over the OPT, including areas that are densely populated by the Palestinians, also in areas that did not fall within the parameters of the Alon Plan.

The 1977 Israeli government — and most of the governments that followed until 1987 — proposed what was called “a functional distribution of tasks”, in which Israel would maintain overall control of the OPT, while the management of the civil issues of the Palestinians would be handled by Jordan. The Palestinian intifada of 1987 ended this approach. As a result, Jordan decided to disengage from the West Bank on July 31, 1988. That same year, the Palestine Liberation Organization (PLO) accepted the twostate solution, and the Palestinian National Council declared the Palestinian State on Nov.15. This was followed by the first PLO-American dialogue, which took place in 1989, conducted by American ambassador to Tunisia, Robert Pelletreau.

With these developments, Israel was obliged to start considering talking directly to the Palestinians, either as part of a Jordanian-Palestinian delegation (Madrid Conference of 1991 formula), or directly (Oslo secret negotiations of 1992-93). Until these negotiations, the Israeli position regarding the Palestinian territories occupied in 1967 ranged between the Israeli Zionist-left position, which considered them to be areas under dispute to be divided between Israel and Jordan, and the Zionist right, which wanted to create a gradual de facto annexation of them to Israel.

Some observers consider the Israeli official recognition of the PLO in 1993 as a turning point that represents a third-stage development in the Israeli position regarding the OPT.

However, the negotiation strategy of the Israeli Zionist left-wing governments continued to be the same regarding territorial compromise, albeit this time with the PLO instead of Jordan. On one hand, the Israeli Zionist right-wing governments kept their positions about Gaza being a Palestinian entity (the withdrawal by Ariel Sharon’s right-wing government of the Israeli Forces and dismantling of the Israeli settlements there in 2005). On the other hand, they kept the ongoing process of de facto annexation of the West Bank to Israel.

Indeed, during the long negotiation period that proceeded, some leaders, such as Ehud Olmert, left the right-wing positions to adopt those of the left-wing during his 2007-08 negotiations with Palestinian Authority President Mahmoud Abbas (Abu Mazen). The fact still remains, however, that neither the Zionist left-wing, nor the Zionist right-wing governments were ready to move beyond the recognition of the PLO, nor the vague recognition of the “political rights of the Palestinians”, as is included in the preamble of Oslo Agreement.

A positive shift might have occurred toward the Palestinians had the Israeli governments accepted the equal right of the Palestinian people for self-determination and the 1967 borders as the starting point for negotiations. Except for Olmert, none of the other Israeli negotiators accepted this second point.

Instead of having a positive third-stage development in the Israeli politics toward the Palestinians, another negative third stage took place with the Netanyahu governments, beginning in 2009, through to today. This third stage can be described as a stage of leaving aside the priority of peace with the Palestinians for the sake of a separate agenda. This agenda can be seen to range from those who want to keep the OPT in the hands of Israel for security reasons and those who want to keep it in the hands of Israel based on historical and ideological claims.

The commonality between these two positions is Israel’s enduring control of the Palestinian territories. Furthermore, the differences between the security-based and ideology-based agendas are narrowing day by day. For instance, Netanyahu, who initially adopted the security-based position, is now a strong advocate of the idea that Jews are not foreigners in the territories, but they have indigenous historical rights to it. This position is similar to the position of his coalition partner from the Jewish Home party, Naftali Bennett.

It is worth noting that a shift also took place in the position of the Zionist left wing in this regard. An example is the new “Peace Plan” introduced this past February by MK Isaac Herzog, the head of the Zionist Union, who proposed 10 years of calm with the Palestinians before any new peace process begins.

Also, there has been a shift at the public level in Israel. At the beginning, the consensus position was one that concerned certain attachments to certain parts of the territories, which would be reconciled with the Palestinians through negotiations. Later on, these claims of attachment were given ideological and rights-based historical claim, leading to the growing idea of the Israeli inclusive sovereignty over the territories, thus disregarding the Palestinians and their rights.

Occupation, Apartheid and Settler Colonialism

The preceding overview shows that after 50 years of occupation the Palestinians are facing three combined processes of domination and subordination. The first is of a belligerent occupation that kills, arrests, shells and invades. The second is of an apartheid system of discrimination in favor of the settlers at the expense of the Palestinians. This is in addition to all the restrictions on the Palestinians’ freedom of movement and the “ghettoization” of their lives. The third is a growing settler colonial project that is territorialized at the expense of the Palestinian people, increasing deterritorialization.

Between these three components, the balance falls in favor of the settlers, whom the Israeli army protects and the government legislates for. Moreover, one of the aims of the restrictions that are imposed on the Palestinians is the preservation of the settlers’ safety and security.

Within this framework a typical settler colonial project can be identified with Israel representing the mother state and the colonial settlements as its daughter (Shtayyeh, 2016, p.24). Shtayyeh concludes accordingly that “[w] hen Netanyahu speaks about the two states, he means the settlers state over Area C that consists of 62 percent of West Bank, and a Palestinian entity that is attached to it” (Ibid).

Similarities and contrasts with the Irish case are striking here. In terms of similarities, it can be seen that, in the beginning, the Irish faced a British settler colonialism, starting from the 12th century. However, after the growth in the number of British settlers in Northern Ireland, over the last two centuries, the issue became an internal one in Northern Ireland, where authority was shared between the settlers and the indigenous Irish citizens, while Britain became a mediator between the two sides, with its relative bias falling on the side of the settlers.

As in Northern Ireland, two communities — one indigenous and one colonial-settler — are competing over the same territory. The indigenous community comprises 3 million living in West Bank and East Jerusalem, and the colonial-settler community consists of around 627,000 as of the end of 2016, representing more than one-fifth of the Palestinian population. The colonial settlers are more powerful than the Palestinians due to Israeli army and government support and the fact that they have their own militias and security patrols.

Negating this similarity, power-sharing does not look to be an option between these two communities, as was the case in Northern Ireland. This is because, firstly, the international resolutions delegitimize the Israeli settlements established over the OPT. Secondly, the Palestinians reject the settlement project. Finally, the exclusivist nature of the Israeli Government vision does not leave any space for any sign of Palestinian sovereignty in the territories.

That being said, one does not require special powers of prediction to see that it is only a matter of time before the big confrontation will start between the settlers and the Palestinians. The rehearsal for such confrontation is already represented by the daily attacks of the settlers against the Palestinians in the West Bank, which are usually carried under the Israeli army protection of the settlers. The UN Office of Coordination of Humanitarian Assistance (OCHA) and other organizations are doing a good job documenting these attacks.

What will be the results of such a confrontation? Will it be the Algerian model, in which the settlers are defeated and obliged to leave? Or will it be the Israeli 1948 model of expelling the Palestinians from their homeland, this time partially to Jordan, or to “The Palestinian State” of Gaza? It is difficult to predict, but at the same time one thing is quite clear, and that is that the Israeli-Palestinian context is becoming chronic, and it is already too late to be solved just by negotiations. In order to solve it, and to alter the path of events, there is a need to deploy other means of empowerment to the Palestinians toward achieving Palestinian statehood on the 1967 borders. For further articulation of what these means of empowerment would be, kindly review my contribution in the roundtable discussion of this issue of the **Palestine-Israel *Journal***.

Endnotes   
ihttp://www.btselem.org/area\_c/what\_is\_area\_c   
iihttps://www.ochaopt.org/documents/ocha\_opt\_hebron\_h2\_factsheet\_november\_2013\_english.pdf   
iiihttp://www.btselem.org/area\_c/what\_is\_area\_c