

“BREAKING DOWN THE WALLS”

PART III-STUDY MATERIALS

SECTION 2

A HISTORICAL ANALYSIS: A PLEA FOR JUSTICE

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1 INTRODUCTION

The 2008 General Assembly of the Presbyterian Church (U.S.A.) called for the formation of a Committee to prepare a comprehensive study focused on Palestine-Israel. This historic overview of the conflict was written by two members of the committee, who take sole responsibility for its contents. It was prepared as a study document for the Committee. We drew upon our combined experiences of living in Palestine; frequent visits during the past two decades to the Palestinian Occupied Territories; living in the West Bank as a Senior Fulbright Scholar; ongoing professional collaborations with Palestinian academicians; and serving as a volunteer with the Christian Peacemaker Team in Hebron in the West Bank. Along with other members of the Committee, we travelled, conducted many interviews of both Palestinians and Israelis, and discussed among ourselves what we have seen and learned. This is an attempt to understand a complex situation, and we are grateful for the opportunity to present this document.

One of us has the memory of pre-1948 Palestine as a multi cultural society that included refugees from pre World War II disasters elsewhere. A member of the Committee is an Armenian-Palestinian-American some of whose family survived the Armenian genocide. The Armenians came to Palestine to seek refuge with a wish to live, raise their families, and contribute to the culture of their new home. They embraced the culture, learned the language, shared its cuisine, and most importantly contributed to the rich diversity of Palestinian society. Deep friendships and lasting family connections were common among the newly arrived Armenians and the indigenous Palestinians. Tragically, the Armenian-Palestinians were uprooted once more in 1948-1949 during the Nakba, the expulsion of Palestinian Christians and Muslims by the newly arrived Jewish settlers from Europe.

It is important to note that there always has been a Jewish presence in Palestine before the arrival of these European immigrants. Jewish Palestinians spoke Arabic, lived peacefully on the land with Christian and Muslim Palestinians, shared its cuisine, and enjoyed Palestine as did their Christian and Muslim neighbors. They were part of a multi cultural Palestine, without whom Palestine would have lost some of its rich diversity and heritage. Friendships between these Jewish Palestinians and their Christian and Muslim neighbors were common.

So why did things change? They changed with the mass immigration of Jewish refugees from Europe to Palestine during the first half of the 20th century. These refugees came to Palestine to escape centuries of segregation, expulsion and murder and the horrors of their holocaust during World War II. They were a traumatized people who, rather than integrating into the existing Palestinian society as the Armenians had done earlier, eventually came to displace the Palestinians. They took the land of Palestine from a majority of its inhabitants at gun point. The land dispossession by the state created by these European immigrants continues to the present time to further add to the widely dispersed 1948 Palestinian refugee population. Tragically, the government of these immigrants continues to nurture the belief that security comes only from military might. Not surprisingly, Palestinians responded with violence to their displacement. Violent elements in both the Israeli and Palestinian communities have repeatedly frustrated efforts at reconciliation.

Western countries, mindful of the Jewish holocaust, and their wish for atonement, contributed to the establishment of Israel and, by their mostly unconditional support, enable the continuing dispossession of Palestinians by successive Israeli governments. The atonement for the suffering of one people has created another suffering and dispossessed people. Through our travels, interviews, study, research and life experiences, it is the authors' belief that one of the major current obstacle to a just and peaceful resolution of the Israeli-Palestinian conflict is the ongoing support by Western nations, but especially our own country, of the continuing dispossession of the Palestinians and the violation of their human rights, including the right to political self-determination.

2 PALESTINE

2.1 State in Palestine: *Who's right?*

After the end of World War I, on January 25, 1919, the League of Nations was created and shortly thereafter on June 22, 1922 it issued the Mandate for Palestine¹ to be administered by Great Britain. The Mandate document begins with the statement that the purpose of the Mandate is to give “effect to the provisions of Article 22 of the Covenant of the League of Nations”. Article 22 concerns territories and communities formerly belonging to the Turkish Empire, such as Palestine.

Article 22: To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.²

Immediately after the restatement of Article 22, the mandate document declares that the Mandatory should be responsible for putting the Balfour Declaration into effect.

His Majesty's Government view 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.³

Furthermore, six articles (2, 4, 6, 7, 11, and 22) of the Mandate document relate to the obligations of the mandatory power to foster and support this endeavor. In both the Mandate and Balfour Declaration documents, “the Palestinians were never once cited by name, whether as Palestinians or as Arabs, and were referred to only as ‘non-Jewish communities,’ possessing solely civil and religious rights; their national and political rights were mentioned in neither. By contrast, national rights were ascribed to the ‘Jewish people,’ and the League of Nations Mandate made it a solemn responsibility of Great Britain to help the Jews create national institutions. The mandatory power was specifically called upon to extend all possible assistance to the growth and development of this national entity, notably by encouraging Jewish immigration”⁴. At this time, the census of Palestine⁵, showed that Jews constituted 7.90% of the population. *The incongruence between the League of Nations charter and the Mandate documents was ignored.*

Starting soon after the British occupation, Palestinians repeatedly pressed Great Britain to grant them their national rights of self-determination and representative government. They claimed these rights on the basis of the American president Woodrow Wilson's Fourteen Points,⁶ specifically point V which states that “A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the *interests of the populations concerned* must have equal weight with the equitable claims of the government whose title is to be determined”⁷. “Each time they did so, however, they were told that they were obliged to accept the terms of the Mandate as a precondition for any change in their constitutional position. But these terms denied the Palestinians any of these rights, or at best subordinated them completely to the national rights of the Jewish people. Acceptance of the Mandate by the Palestinians would thus have meant their recognition of the privileged national rights of the Jewish community in what they saw as their own country, and formal acceptance of their own legally subordinate position, indeed of their nonexistence as a people. This was something that the Palestinians felt they could not do without denying their own rights, their own national narrative, and the evidence of their own eyes, which told them that Palestine was an Arab country and belonged to them, and to them alone.”⁸

Even though Great Britain was a member state of the League of Nations it disregarded the clear contradictions between Article 22 of the Covenant of the League of Nations and point V of Woodrow

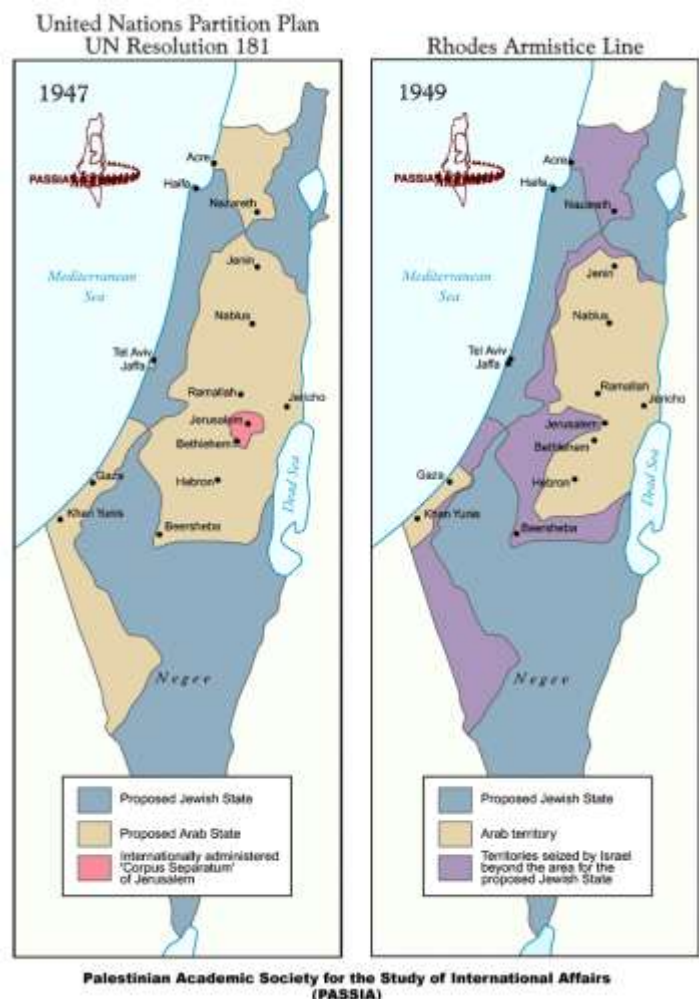
Wilson's fourteen points with the Balfour declaration. Therefore rather than being a liberator, Great Britain became a conqueror as it disposed of Palestine according to its wishes thus ignoring the human rights of the Palestinian people, the large majority of whom were Muslim or Christian. A more detailed census conducted in 1922 by the British shows that the population consisted of 589,177 (78.34%) Muslims, 83,790 (11.14%) Jews, 71,464 (9.50%) Christians, and 7,617 (1.01%) Others. The British government facilitated the mass immigration of Jews into Palestine, thus altering its ethnic composition. By 1946 there were 608,225 (32.96%) Jews and 1,237,334 (67.04%)⁹ Muslims and Christians; thus in spite of the mass immigration, Jews constituted a minority population, albeit larger than before.

Palestinians objected to the Balfour Declaration and in the 1936 to 1939 uprising (which can be characterized as the first Intifada) against the occupation¹⁰; Palestinians also objected to the mass immigration of Jews into Palestine. Violence between the British, Jews, and Palestinians continued until the end of the British Mandate on May 14, 1948. The partition of Palestine was proposed as a possible solution to the conflict.

Many years of lobbying by prominent Jewish citizens of the United States and months of cajoling and threats by United States officials in the Truman Administration¹¹ preceded the United Nations General Assembly vote on partition. Therefore, Great Britain, in issuing and enforcing the Balfour Declaration violated Article 22 of the League of Nations, point V of Woodrow Wilson's League of Nations fourteen points and the United States in imposing¹² its will on the UN General assembly to recommend the partition of Palestine both violated the United Nations Charter, articles 1 (paragraph 2), 55 and 73¹³, and the General Assembly's Declaration on the Principles of International Law concerning the Friendly Relations and Cooperation among States thus infringing on the Palestinians' human right of self determination¹⁴. "This right provides all peoples, including the Palestinian people, the right to determine their own future. It is a right that Israelis [because of their minority status] did not enjoy in the Palestinian territory when they unilaterally declared their state in violation of Palestinians' right to self-determination. The Palestinians' right to self-determination pre-existed any effort by Israel to occupy Palestinian lands. It is a right that all Palestinians are entitled to exercise according to international law from the very beginning of the British mandate in 1922. It is thus a right that is enjoyed over all of mandate Palestine."¹⁵ The occupation of Palestine began in 1922 by the British and continued in May 14, 1948 to the present time by Israel when unilaterally, it declared itself a state. Subsequently, Israel was recognized as a state and is a member of the United Nations. Palestine is yet to be recognized by the United Nations.

2.2 Partition

On November 29, 1947 the United Nations General Assembly (Resolution 181) voted to *recommend* partition¹⁶ of Palestine



into two states, one Jewish and the other Palestinian. The territories designated to the Jewish and Palestinian states would be 56 percent and 43 percent of Palestine, respectively. Jerusalem and Bethlehem were to become an international zone¹⁷. Approximately 407,000 or 45% of the population in the Jewish part was comprised of Muslims and Christians and 1% of the Palestinian part was comprised of Jews. At the end of 1946, Jews, most of whom were immigrants from Europe, had acquired by purchase 6 to 8 percent of the total land area of Palestine and comprised approximately one third of its population. The Palestinians who in a short span of three decades saw the ethnic composition of Palestine change dramatically due to the British facilitation of immigration of Jews into Palestine objected to the partition plan. Between November 19, 1947 and May 14, 1948, both sides engaged in violence. The Israelis were better trained and equipped than the Palestinians. It is estimated that 442,000 Palestinians were expelled from Palestine and became refugees either in the West Bank, Gaza, and the surrounding Arab countries principally Lebanon, Syria, Jordan, and to a lesser extent Egypt. It is also estimated that 225 villages were depopulated and or destroyed¹⁸. The Israelis called it the war of independence and the Palestinians called it the Nakba (the catastrophe). The Israelis say that the Palestinians left of their own free will¹⁹ urged on by their leaders while the Palestinians say that they were terrorized into leaving thinking that they will be able to return to their homes once the violence abated. Most historians²⁰ now agree that the expulsion of the Palestinians occurred against their free will and an Israeli historian, Ilan Pappé²¹, uses the term 'ethnic cleansing' to characterize what happened to the Palestinians.

It was only after May 14, 1948 that Lebanon, Syria, Jordan and Egypt sent a portion of their armed forces into Palestine to protect the Palestinian populace. They were no match for the better trained and equipped Israeli forces. By July 20, 1949 armistice agreements²² with these four countries and Israel were signed. By the end of this war, Israel had gained more territory and was in control of 78% of Palestine. Also at this time it is estimated that over 750,000 Palestinians were expelled from their homes and over 500 villages were depopulated or destroyed²³.

2.3 The 1967 War

In June 1967, Israel attacked Egypt, Jordan, and Syria. At the end of six days, Israel had taken the Gaza strip and the Sinai from Egypt, East Jerusalem and the West Bank from Jordan, and the Golan from Syria. The United Nations Security Council passed resolution 242²⁴ which requested the withdrawal of Israeli armed forces from territories occupied in the 1967 war and emphasized the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security. By 1979, the Sinai was returned to Egypt and a peace treaty was signed between Egypt and Israel. In 1994 Israel and Jordan signed a peace treaty. At this time, the Golan Heights, the West Bank, East Jerusalem and the Gaza strip are under total Israeli control.

3. REFUGEES

3.1 Right of Return

The right of return of refugees to their countries of origin is a customary right and has origins from several sources. First, in Leviticus, Chapter 25, the 'Year of Jubilee' is defined as occurring every fifty years. Leviticus, Chapter 25, verse 13 is a commandment from God: "In this Year of Jubilee everyone is to return to his own property"¹. Thus, using God's commandment, then after sixty two years, the Palestinian refugees certainly have the right to return.

Second, On December 10, 1948 the General Assembly (GA) of the United Nations (UN) adopted and proclaimed the Universal Declaration of Human Rights. Articles 9, 13, and 15 address the *individual's* right of return:

Article 9: No one shall be subjected to arbitrary arrest, detention or exile.

Article 13: (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 15: (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.²

Third, on December 11, 1948, the UN GA passed Resolution 194(III) concerning the progress report of the United Nations Mediator for Palestine. Article 11 of Resolution 194(III) specifically addresses the issue of the right of return of refugees:

11. *Resolves* that the 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 for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;³

Fourth, on December 16, 1966, the Office of the United Nations High Commissioner for Human Rights issued the International Covenant on Civil and Political Rights⁴. Article 12 section 4 states that “No one shall be arbitrarily deprived of the right to enter his own country”.

Clearly, then, the Right of Return of refugees is granted under accepted practices and is firmly anchored in international law. The Israeli point of view as expressed by Dr. Eyal Benvenisti, professor at the Tel Aviv University Faculty of Law is that international law stipulates that the demand of Palestinian refugees to return must be negotiated by governments, and not be resolved in the courts of law. He claims that “. . . in Resolution 194 there is no recognition of the refugees' right of return. Indeed, since the 1990s, the Palestinians have been claiming that the resolution recognizes the right of return, but their claim is baseless. On the contrary, the resolution denies the refugees' right to return to their homes. Moreover, the resolution set as a goal for the UN the solution of the problem of the refugees by means of resettling them in Arab countries. The formulation that was passed was amenable to convenient interpretation from Israel's perspective, because it left in its hands the judgment as to whether, when and how many refugees it would accept into its territory.”⁵

Clearly, this Israeli view is in direct contradiction to statements of international law and UN resolutions. The Palestinian view differs markedly. Salman Abu Sitta, a researcher on the land and people of Palestine and the founder and president of Palestine Land Society, London, is the author of *The Atlas of Palestine 1948* and a member of the Palestine National Council and general coordinator of the Right of Return Congress. Salman Abu Sitta claims:

One of the most important lessons we have learned from the 60-year Palestinian-Israeli conflict is that the essence of the struggle has not changed: It is the expulsion of the people of Palestine from their homes and the confiscation of their land. Since then the Palestinian refugees have been dispersed all over the world, many of them living in deplorable conditions in exile, others suffering under occupation or virtual siege, harassed by friend and foe alike. The implementation of their inalienable rights is the key to a permanent peace. All else, including a Palestinian state, so-called regional cooperation or other contrived devices to obscure this fundamental issue, is peripheral. In addition, the misrepresentation of the Right of Return by Israel and its defenders, the United States in particular, is driven more by fear about, rather than interest in, their rights. However, the refugees issue is still the main problem to contend with and is imposing itself on every agenda of negotiating the question of Palestine.⁶

A third view is expressed by Alain Epp Weaver, the country representative for the Mennonite Central Committee in the occupied Palestinian territories.

The energized debate over the right of return is a welcome development. More than any other issue, the right of return cuts to the core of the conflict: if justice, peace and reconciliation are to be achieved in Palestine/Israel, the refugee issue must be tackled head on, not swept under the diplomatic rug. . . . The return of refugees need not mean a new exodus of Israeli Jews. . . . The desire to maintain a Jewish demographic majority at the expense of refugee rights is not only morally problematic; it's a losing battle. Researchers suggest that within 50 years, Palestinians inside the Green Line will equal the number of Jews, while Palestinians and Jews will reach demographic parity in the land of Mandate Palestine within the next 15 to 20 years. This demographic reality, apart from moral considerations, suggests that the ultimate future in Palestine/Israel will lead toward integration, not separation.⁷

A fourth view is expressed by John Quigley, Professor of Law at The Ohio State University, in his article *Displaced Palestinians and a Right of Return*⁸. He methodically examines all international laws and argues for or against the right of return depending upon whether the refugees were expelled by Israel or whether they left of their own accord. His conclusion is that they have the right of return irrespective of the reasons for fleeing their homes in Palestine and stresses that

[i]f the final status negotiations are to produce a settlement that enjoys the respect of the parties, and of the people who make up their constituencies, the issue of the displaced Palestinians must be resolved in a way that satisfies legitimate expectations. The parties would do well to recall the 1948 advice quoted above of the U.N. mediator, Count Bernadotte, who did not question Israel's existence as a state but who thought, nonetheless, that 'it would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes.'⁹

While pursuing his official duties as UN mediator, Count Folke Bernadotte was assassinated in Jerusalem on September 17, 1948 by the militant Zionist group, Lehi (Fighters for the Freedom of Israel) to protest his diplomatic efforts to modify the Palestine partition plan. "Yitzhak Shamir reputedly played a role in planning the assassination; however, he was never tried and went on to become Prime Minister of Israel."¹⁰

A Palestinian artist's view of the issue of right of return is depicted by the work of sculptor, Ahmad Canaan, in the Negev: two crosses in a common grave. When the wind blows, the crosses move and the key, the Palestinian symbol of the Right of Return, hanging between them moves up and down. This work suggests that the Palestinians and Israelis share a common fate and the right of return is an issue between them.

Finally, the Israelis themselves claim the right of return after 3000 years to the land granted to them by God. The Israeli 'narrative' claims that they are *uniquely* the descendants of the Jews from Palestine. Scientific inquiry into this claim is complex with varying opinions on the amount of admixture of Jews from Europe, North Africa, and the Middle East with gentile ancestors. Some research appears to indicate that they along with the present day Palestinians of Christian and Muslim faiths all share very similar genetic associations and represent the descendants of people of Palestine from 2,500 to 3000 years ago¹¹. While other research supports the contention that there is more admixture with European gentile populations particularly among the Ashkenazi Jews.¹² Clearly to state that present day Israelis are returning after two or three millennia to their ancestral home in Palestine and that they *uniquely* are the descendants of the Jews of Palestine is not supported by scientific evidence.



Another point of view that the Israeli government presents is that “This war [1967] resulted in the movement of more than 590,000 Jewish refugees from Arab lands to Israel, and of a similar number of Palestinian Arabs from Israel to Arab-controlled Gaza and the 'West Bank', Jordan, Syria and Lebanon, where the majority became residents of refugee camps.”¹³ (See the differing UNRWA estimates of refugee numbers, below.) Some claim that Jews in Arab countries were actively encouraged by the Zionist movement to move to Israel so that Israel would increase its Jewish population. The Palestinians’ refugee rights are affirmed by general world practices, international and human rights laws and UN resolutions. Furthermore Palestinians were not responsible for the emigration of Jews from Arab countries into Israel and their right of return cannot be negated by the rights of another group of refugees. **By the same standards which apply to the Palestinian refugees, Jewish refugees from Arab countries should have the right to return to their home countries or to have compensation for any lost properties. The Right of Return is an ‘individual’ right and no country has the right to make decisions for these individuals. The idea of a swap of refugees benefits the Israeli government and does not necessarily benefit individual Jewish refugees and certainly not the Palestinian refugees who wish to return to their homes and lands.**

3.2 Palestinian Diaspora

Obtaining accurate estimates of the worldwide numbers of Palestinians is difficult; however estimates exist. The Palestine Central Bureau of Statistics has periodically published such estimates. The Table below provides estimates as of the end of the year 2007.

Estimated Number of Palestinians in the World by Country of Residence, 31/12/2007

Country	Number	Percent
Palestinian Territory	3,770,606	36.5
Israel	1,184,466	11.5
Jordan	3,102,463	30.0
Other Arab Countries	1,690,709	16.3
Other Foreign Countries	593,580	5.7
Total	10,341,824	100

Source: PCBS, 2008, Palestinians Projection in the world, preliminary Projection.¹⁴

Of these 10.3 million Palestinians, the United Nations Relief and Works Agency’s (UNRWA) estimates that 4.7 million are registered refugees. The definition of a registered refugee is a person “whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict. To be eligible for UNRWA’s services a refugee must be registered”.¹⁵ UNRWA estimates that it responded to the needs of approximately 750,000 refugees when it began operation in 1950. Furthermore, after the 1967 war, UNRWA estimates that another 140,000 persons became refugees in Jordan and an additional 240,000 citizens of the West Bank were “displaced persons”.

The table¹⁶ below provides some basic statistics about UNRWA’s base of operations, the numbers of camps, refugees registered in camps and refugees not living in camps.

Field of Operations	Official Camps	Registered Refugees in Camps	Registered Refugees
Jordan	10	337,571	1,951,603
Lebanon	12	222,776	422,188
Syria	9	125,009	461,897
West Bank	19	193,370	762,820
Gaza Strip	8	495,006	1,073,303
Agency total	58	1,373,732	4,671,811

UNRWA maintains and administers camps in Jordan, Lebanon, Syrian Arab Republic, and the occupied Palestinian Territories. "Socio-economic conditions in the camps are generally poor with a high population density, cramped living conditions and inadequate basic infrastructure such as roads and sewers. Conditions differ among the host countries."¹⁷

In Jordan, Palestinian refugees have full Jordanian citizenship; however in Lebanon "they do not have social and civil rights, and have very limited access to the government's public health or educational facilities and no access to public social services. . . . Considered as foreigners, Palestinian refugees are prohibited by law from working in more than 70 trades and professions and thus have a very high rate of unemployment. . . In Syria, Palestinian refugees have access to government services such as government-run schools, universities and hospitals. UNRWA's services complement those of the Syrian Government."¹⁸

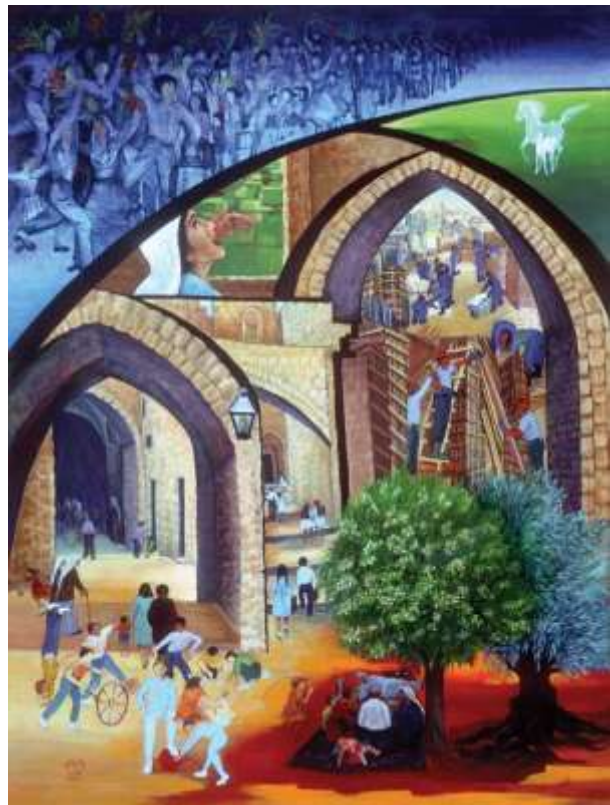
In the West Bank, "camp residents have been hard hit by closures imposed on the West Bank by the Israeli authorities, since they are largely dependent on income from work inside Israel. Subsequently, unemployment has risen and socio-economic conditions in the camps have deteriorated. The West Bank camps are active social units. Camp residents run their own activities and camp committees in each camp are regarded as an official body representing the camp population. The Agency runs elementary and preparatory schools. However, the main problem facing UNRWA's education program in the West Bank is overcrowding with an average of 50 pupils per classroom."¹⁹

In Gaza, "over three-quarters of the current estimated population of some 1.5 million are registered refugees; representing 22.42 per cent of all UNRWA registered Palestine refugees. The refugee camps in the Gaza Strip have one of the highest population densities in the world."²⁰

4 FAILED PEACE PROCESS AND ITS CONSEQUENCES

The Oslo Accords or the Declaration of Principles (DoP) document was signed September 13, 1993. Briefly, this document outlines the procedure for a 'peace process' between Israel and the Palestinian people. It called for the creation of a Palestinian-interim self-government authority and an elected council for the Palestinian people in the West Bank and Gaza Strip. The document further claims that "the two sides view the West Bank and Gaza Strip as a single territorial unit, whose integrity will be preserved during the interim period". This interim government was for a transitional period of not more than five years leading to a permanent settlement based on Security Council Resolutions 242 and 338. Security Council Resolution 242 called for Israel to withdraw to its 1949 Armistice lines (i.e., what is now referred to as the 1967 borders, or the 'green line'), the right of every state in the area to live in peace within secure and recognized boundaries free from threats or acts of force, and achieving a just settlement of the refugee problem.¹ Resolution 338 signed October 22, 1973 shortly after the 1973 war between Israel and Egypt, calls upon all parties to cease fire and terminate military activity and further calls upon all parties to begin the immediate implementation of Security Council Resolution 242.²

Initial reaction of the Palestinian people to the DoP was enthusiasm and hope for the future. This



may be best depicted by the Tamam Al-Akhal painting. Beginning at the upper left hand corner, we see depicted the people of Palestine returning home and carrying olive branches. Some are returning in wheel chairs and others are carrying suitcases. Other scenes depict a horse representing the resistance and its white colt representing peace; a woman calling to announce and celebrate the coming peace; people rebuilding their homes; children going to school; children playing; and others picnicking underneath two trees representing the peaceful side by side co-existence of the Israeli (Orange tree) and the Palestinian (olive tree with many roots) people.

Unfortunately, the enthusiasm, optimism, and hope were short lived. Article V, part 3 of the DoP stipulates that further permanent status negotiations shall cover several issues among which are the status of Jerusalem, refugees, settlements, security arrangements, and border.³ These negotiations which became known as the 'peace process' lingered past the five-year interim period. A detailed accounting of these negotiations can be found in several publications.⁴ In 1998, Dr. Mahdi Abdul-Hadi, Head of Palestinian Academic Society for the Study of International Affairs (PASSIA) in Jerusalem commented on the general view of the DoP by Palestinians:

For most Palestinians, life has worsened since the Oslo Accords and only a few talk about the ongoing negotiations in positive terms. Today, five years after Oslo the hopes for a two-state solution to end the Israeli-Palestinian conflict and bring about a better life for the generations to come have been replaced by great disillusionment and frustration among Palestinians.⁵

While the interim negotiations were taking place, Israel commenced to build and expand settlements in East Jerusalem and the West Bank. Conditions under the present Israeli occupation of the West Bank and Gaza are described below in Section 5. House demolitions, destruction of agricultural land, building of the wall/fence and its concomitant land seizure, restrictions in movement within and between the West Bank, Gaza and East Jerusalem (contrary to the agreement in the DoP), the seizure of Palestinian lands for the building of settlements and bypass roads are all factors contributing to the disillusionment of the Palestinian people with the so called 'peace process'. Resolution of these conflicts through the courts yielded very little results. Israeli 'state security needs' trumped the law. An example of a revealing and detailed description of the futile legal processes that Palestinians undertook to forestall seizure of their land is the Albina Case described in detail in the book by the attorney, Rajah Shehadeh, who is a co-founder of the Al-Haq Palestinian Human Rights group.⁶

4.1 Violence

Distressingly, all too often violence is used as a means of reacting to injustice or as a means of inflicting a country's will on another people. Violence, whether by tanks, attack helicopters, F-16 fighter jets, rubber bullets, tear gas canisters, anti-personnel bombs, white phosphorous, rockets, bombs of any kind including suicide bombs, is reprehensible and is a crime against humanity.

Quantifying human suffering with numbers cannot relay the depth of anguish, feelings of hopelessness, fear of the other whether Palestinian or Israeli, anger, or frustration. Nevertheless, the casualty statistics of violence can demonstrate the lack of parity in power and means of the parties to the conflict to inflict their will on the other.

4.1.1 Arrests and Kidnapping

Arrests and kidnappings by the Government of Israel and the Palestinian Authority (PA) are common occurrences. According to the Amnesty International 2009 Human Rights Report for Israel and the Occupied Palestinian Territories:

Israeli soldiers and settlers who committed serious abuses against Palestinians, including unlawful killings, assaults and attacks against property, enjoyed impunity in most cases. Hundreds of Palestinians were arrested by Israeli forces; reports of torture and other ill-treatment were frequent, but investigations were rare. . . . Hundreds of Palestinians, including scores of children,

were detained by Israeli forces in the OPT and many were held incommunicado for prolonged periods. Most were later released without charge, but hundreds were charged with security-related offences and tried before military courts, whose procedures often failed to meet international standards for a fair trial. Some 8,000 Palestinians arrested in 2008 or in previous years were still imprisoned at the end of the year. They included some 300 children and 550 people who were held without charge or trial under military administrative detention orders, including some who had been held for up to six years.⁷

The Palestinian Authority conducted hundreds of arrests of individuals known to be connected to groups taking part in suicide bombings⁸. These arrests were of individuals belonging to resistance organizations such as Hamas, Islamic Jihad, and the Popular Front for the Liberation of Palestine. Suspected or known collaborators were arrested and on a few occasions executed by the PA.⁹

4.1.2 Targeted Assassinations

The PFLP assassinated Rehavam Ze'evi, Israeli Minister of Tourism on October 17, 2001 and said it was in revenge for the assassination of their secretary-general Abu Ali Mustafa, killed by Israel in August 2001.¹⁰ According to a CNN report Rehavam Ze'evi sparked controversy in July, 2001 for referring to Palestinians working and living illegally in Israel as "lice" and a "cancer."¹¹

In opposition to this assassination of an Israeli leader is the campaign of targeted assassinations of Palestinian leaders by Israel. Between September 29, 2000 and December 26, 2008, the Israeli Government killed 234 Palestinians as targets of assassination and an additional 153 innocent bystanders including children.¹² These assassinations were of leaders of PLO, Islamic Jihad, Fatah, the Popular Front for the Liberation of Palestine (PFLP), and Hamas. Furthermore, on March 22, 2004 Israeli forces assassinated Hamas founder and leader Sheikh Ahmed Yassin as he was leaving morning prayers at the Omari Mosque in Gaza City. Three missiles were shot at him and his entourage, killing seven bodyguards and other Hamas operatives and wounding 15 other people. Hundreds of thousands attended Yassin's funeral later that day and throughout the West Bank and Gaza Strip clashes between Palestinians and Israeli forces erupted. Arab states and Europe condemned the assassination as "unlawful". On April 17, 2004 Israeli forces also assassinated Hamas leader Dr. Abed El-Aziz El-Rantisi along with his driver and a bodyguard.

According to B'Tselem, these targeted assassinations and others merely served to fuel the cycle of revenge and counter revenge.

These killings are part of an open policy to assassinate Palestinians suspected of acts of violence against Israelis. Far from being a new phenomenon, Israel has carried out assassinations overseas for over 30 years. Over the course of the previous intifada, Israeli undercover units assassinated 'wanted' Palestinians in the Occupied Territories as well. The assassination policy violates the right to life, the most fundamental of all human rights, enshrined in international and Israeli law. There is no legal basis for these killings. Unnamed security personnel make a decision to kill a person, and the decision is carried out with no legal process whatsoever. The assassinations carried out by Israel in recent months are, in essence, extra-judicial executions.¹³

As the statement above claims, Israel has carried out targeted assassinations overseas for over 30 years. These assassinations were not always against militants who use armed resistance to Israel but also against those who used non-violent resistance. Consider the case of Ghassan Kanafani, a Palestinian journalist, novelist and short story writer who was assassinated along with his young niece, Lamis, on July 12, 1972 by Israeli agents in a car bomb explosion in Beirut. By the time of his early death at the age of 36, he had published eighteen books and written numerous articles on the culture, politics, and the Palestinian people's struggle. His works have been translated into 17 languages. A collection of short stories about Palestine's children was published in English in 1984 and was titled 'Palestine's Children'. Kanafani's untimely death deprived the Palestinians of an eloquent voice.

An excerpt from his work, "The Curiosity of a Child or the Destiny of a Man" perhaps explains why he was deemed to be dangerous.

My son, oh future,

I overheard you yesterday in the other room asking your mother, "Am I Palestinian too?" When she said "yes", a heavy silence engulfed the whole house. It was as if something that was suspended over our heads had fallen, its noise exploding, and then falling silent.

Afterwards, I could not believe my ears, but my fingers I did believe. I was reading when I felt the book trembling in my hands. No, everything was real to an alarming extent. I heard you cry. . . .

I could not move to see what was happening in the other room. I knew, however, that a distant homeland was being reborn, that some land of meadows, olive groves, dead people, torn and folded banners, was making its way into a future of flesh and blood, to be born in the heart of another child.¹⁴

4.1.3 Other Deaths: Palestinian suicide bombers and Israeli Occupation Forces

According to records from the Israeli Ministry of Foreign Affairs¹⁵, the first recorded suicide bombing occurred in April 6, 1994. Total deaths recorded due to suicide bombings in Israel for the years 2000 to 2008 are listed as 553 from a total of 147 attacks.¹⁶ According to B'Tselem, during this same period there were 490 Israeli civilians and 90 Israeli occupation forces killed by Palestinians for a total of 580 – a higher total than that reported by the Israeli Ministry of Foreign Affairs. Also during the same period, from September 29, 2000 to December 26, 2008, 4,860 Palestinians were killed (Gaza Strip, West Bank, and Israel) by occupation forces and 47 by Israeli civilians for a total of 4,907. Also during this same period 955 Palestinian minors were killed by Israeli occupation forces and 129 Israeli minors killed by Palestinians.¹⁷ The ratio of all Israeli to Palestinian deaths is 1 to 8.5 and for children it is 1 to 7.4. These numbers are chilling and do not convey the depth of suffering they cause to both peoples.

4.2 A Way to Transcend Violence

Yet, some are able to withstand their suffering and reach levels of human love and reconciliation which are indeed humbling. We will relate two such instances. The first is that of Dr. Nurit Peled-Elhanan, linguist at Hebrew University in Jerusalem, who is the recipient of the Sakharov Prize 2001 awarded by the European Parliament and the mother of Smadar Elhanan, 13 years old, who was killed by a suicide bomber in Jerusalem in September, 1997. In a speech on International Women's Day at the European Parliament in Strasbourg, August 3, 2005 she said:

However, I must admit I believe you should have invited a Palestinian woman at my stead, because the women who suffer most from violence in my county are the Palestinian women. And I would like to dedicate my speech to Miriam R`aban and her husband Kamal, from Bet Lahiya in the Gaza strip, whose five small children were killed by Israeli soldiers while picking strawberries at the family's strawberry field. No one will ever stand trial for this murder.

My little girl was murdered because she was an Israeli by a young man who was humiliated, oppressed and desperate to the point of suicide and murder, just because he was a Palestinian. Now their blood is mixed on the stones of Jerusalem that have long been indifferent to children's blood. We, who were not wise enough to free our children from the grip of hate and racism before they found their final rest, need to look at their mutilated bodies and innocent faces, and ask ourselves, with the poetess Anna Akhmatova, Why does that streak of blood rip the petal of their cheek?¹⁸

The second instance is that of Ismail Khatib, Ahmed Khatib's father. Ahmed was shot by Israeli soldiers in Jenin in 2005. Ismail Khatib and his wife decided to donate Ahmed's organs. His heart saved the life of a Druze Muslim girl in Israel; a kidney went to a Bedouin child from the southern Negev desert; and other organs to two recipients who choose to remain anonymous. Ahmed's second kidney went to a young Israeli toddler, Menuha Levinson, daughter of an Ultra-Orthodox Jewish family in Jerusalem. A movie, 'The

Heart of Jenin' has been made by an Israeli-German team about Ismail and Ahmed Khatib's, sacrifice. Menuha's father, Yaakov Levinson, remarks shortly after his daughter's life-saving operation that "he would have preferred a Jewish donor and remarks that he would never allow his children to be friends with Arabs for fear of 'bad influence' ".¹⁹ Two years after the death of his son, Ismail Khatib and his brother are allowed to enter Israel to visit the children who were saved. The climax of the movie is a meeting with the Levinson family. Menuha is well and happy. In an exchange at their Jerusalem home, the Levinsons "apologize for their earlier comments and thank Khatib, but betray a deep misunderstanding about life in the occupied West Bank."²⁰

It is clear that the lives of Israelis and Palestinians are so intertwined that peace will come only after acknowledgement of the other's trauma thereby opening the way to forgiveness and reconciliation. Both Nurit Peled-Elhanan and Ismail Khatib have shown us that forgiveness can occur even after the most painful loss that a parent can experience.

5 PRESENT DAY OCCUPATION

5.1 Israel

5.1.1 Status of Palestinians

According to the Israeli Central Bureau of Statistics¹, the population of Israel at the end of 2008 was composed of 5,569,200 ethnic Jews (including those living in settlements in the Occupied West Bank and East Jerusalem), 1,487,600 ethnic Palestinians, and 317,100 of other ethnicities for a total of 7,374,000 individuals. Of the total, 121,900 are listed as Druze, 153,100 as Christian, and 1,240,000 as Muslim. Comparatively little is written about the status of Palestinians, both Christians and Muslims, who live in the state of Israel. To understand the contributory factors to this demographic composition of the people of Israel, it is necessary to consider several historic factors in the development of the state.

In 1950, Israel passed the "The Absentee Property Law." This law divided all the Palestinians who had lived in what had become the State of Israel into two categories: the "absentees" and the "present". The vast majority of the "absentees" consisted of the 750,000 to 800,000 Palestinians who were expelled from what became Israel. Using Israeli statements and publications, Don Peretz (professor emeritus of Political Science at the State University of New York at Binghamton), in his Ph.D. thesis claimed:

Abandoned property was one of the greatest contributions toward making Israel a viable state. The extent of its area and the fact that most of the regions along the border were absentee property made it strategically significant. Of the 370 new Jewish Settlements established between 1948 and the beginning of 1953, 350 were on absentee property. In 1954, more than one-third of Israel's Jewish population lived on absentee property, and nearly a third of the new immigrants (250,000 people) settled in urban areas abandoned by Arabs. They left whole cities like Jaffa, Acre, Lydda, Ramle, Beisan, Majdal; 388 towns and villages;² and large parts of 94 other cities and towns, containing nearly a quarter of all the building in Israel. 10,000 shops, businesses and stores were left in Jewish hands. At the end of the Mandate, citrus holdings in the area of Israel totaled about 240,000 dunums of which half were Arab owned. Most of the Arab groves were taken by the Israeli Custodian of Absentee Property. But only 34,000 dunums were cultivated by the end of 1953. In 1951-52, former Arab groves produced one and a quarter of a million boxes of fruit, of which 400,000 were exported. Arab fruit sent abroad provided nearly 10 per cent of the country's foreign currency earnings from exports in 1951. In 1949, the olive produce from abandoned Arab groves was Israel's third largest export ranking after citrus and diamonds. The relative economic importance of Arab property was largest from 1948 until 1953 during the period of greatest immigration and need.³

A dunum is 1000 square meters. "In 1951, abandoned cultivable land included nearly 95 per cent of all Israel's olive groves, 40,000 dunums of vineyards, and at least 10,000 dunums of other orchards excluding citrus. 20,000 dunums of absentee property were leased by the Custodian in 1952 for individual industrial

purposes. A third of Israel's stone production was supplied by 52 Arab quarries under his [Custodian] jurisdiction."⁴

It is estimated that between 220,000 and 250,000 Palestinians referred to as the 'Present Absentees' and originating from 60 displaced communities inside Israel were dispossessed by the Israeli army in 1948-1949 and were not allowed to return to their homes.⁵ These internally displaced had their property and homes taken by the state. Most were forced to leave their villages under military orders during the 1948-49 war; moreover evictions continued after the war.

When the Israeli authorities realized how many of these displaced persons there were, the Israeli historian, Tom Segev, explains that the state changed the definition of the Absentee Property Law so that:

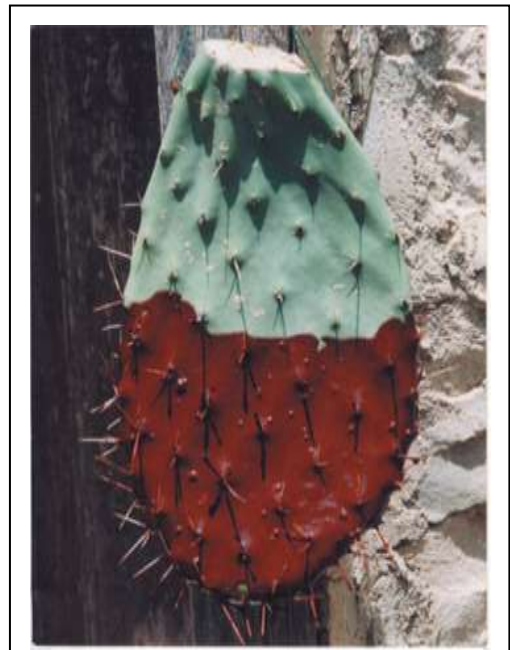
the law was changed to embrace all who had abandoned their "usual place of residence". A few thousand of these owners were actually living in Israel, yet the law defined them as absentees, even if they had only left their homes for a few days and stayed with relatives in a nearby village or town, waiting for the fighting to end.⁶

According to Adalah, an Israeli registered independent human rights organization,

the Israeli government has maintained an aggressive policy of land seizure, adversely affecting Palestinian land and housing rights. For example, the National Planning and Building Law (1965) retroactively re-zoned the lands on which many Arab villages sit as "non-residential." The consequence of this is that despite the existence of these villages prior to the establishment of the state, they have been afforded no official status. These "unrecognized Arab villages" receive no government services, and residents are denied the ability to build homes and other public buildings. The authorities use a combination of house demolitions, land confiscation, denial of basic services, and restrictions on infrastructure development to dislodge residents from these villages. The situation is severely acute for the Arab Bedouin community living in these unrecognized villages in the Naqab.⁷

Palestinians who remained in Israel, but were driven from their villages became "internally displaced persons". Indeed, rather than allowing these displaced Palestinians to return to their lands and villages, the Israeli government declared them to be "present absentees" under the Absentee Property Law and proceeded to confiscate their lands.⁸

At right is a work by Rana Bishara, an installation artist who lives in Northern Israel. This work depicts a leaf of the cactus plant, called 'saber' in Arabic. The artist took a saber leaf and dipped the lower part in chocolate. Rana Bishara is telling us that "Palestine is sweet but it is difficult to enjoy it". 'Saber' also means patience in Arabic. The Saber plant is easy to destroy with a bulldozer but its roots are tenacious in their hold on the land. This plant is often used as a fence between homes and its fruit is delicious. When Israel destroyed entire villages with bulldozers, the saber came back and grew showing the fence lines of houses of the village. Another interpretation of this work is that Palestinians in their hospitality and warmth may seem sweet and gentle but they are tenacious and difficult to eradicate. The saber plant is also a symbol of 'sumud' – the steadfastness of the Palestinian people in refusing to be denied their land, identity and culture.



5.1.2 Political Status

Israeli citizens of Palestinian ethnic origin enjoy the rights of citizenship however with some reservations as explained more fully below. They enjoy the privilege of voting and have elected representatives to the Israeli Knesset. According to the U S Department of State Human Rights Report for 2008⁹, the 120-member Knesset included 10 ethnic Palestinians and two Druze. The 29-member cabinet included two women, one Druze, and one Arab-Israeli Muslim. An Arab Christian was on the High Court, but no Muslim or Druze citizens have served. Of note is that even though ethnic Palestinians constitute 20% of the population of Israel, they have only 8.3% representation in the Knesset.

5.1.3 Economic Status

According to Adalah, economic discrimination exists at many levels through governmental practices. “The discretionary powers entrusted to various government ministries and institutions - including budget policies, the allocation of resources, and the implementation of laws - results in significant *de facto* discrimination between Jewish and Palestinian citizens. For example, a report issued by the [Israeli] Ministry of Interior confirmed that Arab municipalities received a fraction of the total funds allocated by the national government per resident to Jewish settlements in the Occupied Territories and to development towns populated exclusively by Jews. Moreover, the Ministry of Religious Affairs affords a small percentage of its budget to the Arab Muslim, Christian, and Druze religious communities. Funds for special projects such as the renewal and development of neighborhoods and improvements in educational programs, services, and facilities are also disproportionately allocated to Jewish communities. To date, Israeli authorities have rarely used their discretionary powers to benefit the Palestinians minority.”¹⁰

5.1.4 Human Rights

According to the U. S. State Department 2008 report on Human Rights, the government of Israel generally respected the human rights of its citizens; however problems in some areas were evident. “Institutional, legal, and societal discrimination against Arabs, non-Orthodox Jews, and other religious groups continued, as did societal discrimination against persons with disabilities. Women suffered societal discrimination and domestic violence. The government maintained unequal educational systems for Arab and Jewish students. Trafficking in and abuse of women and foreign workers remained a problem, as did societal discrimination against persons with disabilities.”¹¹

5.1.5 Education

Israel maintains two separate school systems, one for the Jewish majority and the other for the Palestinian minority children. Israeli citizens of Palestinian origin attend the minority school system which is “a world apart in quality from the public schools serving Israel’s majority Jewish population. Often overcrowded and understaffed, poorly built, badly maintained, or simply unavailable, schools for Palestinian Arab children offer fewer facilities and educational opportunities than are offered other Israeli children.”¹²

Human Rights Watch claims that the education Ministry authorities have acknowledged that the ministry spends less per student in the Arab system than in the Jewish school system and claims that “the Israeli government has offered various other explanations for the gaps between Jewish and Palestinian Arab students’ performance. These include poverty and cultural attitudes, especially regarding girls. Human Rights Watch found that in light of clear examples of state discrimination, neither poverty nor cultural attitudes adequately explained the existing gap. Indeed, in many instances, the data run directly contrary to the claim that these factors, and not discrimination, are at the root of the problem.”¹³

Human Rights Watch further notes that the right to education is universally recognized under international law and must be enjoyed without discrimination on the basis of race, color, sex, language, religion, national or social origin, property, or birth. The Convention against Discrimination in Education, to which ninety countries are parties and which Israel ratified in 1961, requires that if Israel maintains separate systems for Jews and Palestinian Arabs, the two systems must provide the same standard of education in equivalent conditions.

Finally and of particular note, is the claim Ismael Abu-Saad, professor of Education at Ben-Gurion University of the Negev puts forth that “the Arab curriculum is designed to ‘de-educate’, or dispossess, indigenous Palestinians pupils of the knowledge of their own people and history.”¹⁴

5.1.6 Discrimination against non-Jewish ethnic minorities

Other factors leading to discrimination are evident in Israel. Adalah identified more than 20 laws that discriminate against the ethnic Palestinian minority in Israel¹⁵. Examples are the “Law of Return (1950) and the Citizenship Law (1952), which allow Jews to freely immigrate to Israel and gain citizenship, but exclude Arabs who were forced to flee their homes in 1947-48 and 1967. Israeli law also confers special quasi-governmental standing on the World Zionist Organization, the Jewish Agency, the Jewish National Fund and other Zionist bodies, which by their own charters cater only to Jews. Various other laws such as The Chief Rabbinate of Israel Law (1980), The Flag and Emblem Law (1949), and The State Education Law (1953) and its 2000 amendment give recognition to Jewish educational, religious, and cultural practices and institutions, and define their aims and objectives strictly in Jewish terms.” According to the U S State Department 2009 International Religious Freedom Report¹⁶, the Basic Law describes Israel as a “Jewish and democratic state” and that government policy continued to support the generally free practice of religion, although governmental and legal discrimination against non-Jews and non-Orthodox streams of Judaism continued. As of the end of 2008, of 137 designated “holy sites” given protection by the Israeli government under the Protection of Holy Sites Law, all were Jewish. “[M]any Muslim and Christian sites are neglected, inaccessible, or threatened by property developers and municipalities”.¹⁷

5.2 The West Bank

5.2.1 The Occupation as a Matrix of Separation in the West Bank.

In a number of articles over the years, Israeli professor Jeff Halper has described the occupation as a “matrix of control.”¹⁸ However, what Halper called “a matrix of control,”¹⁹ has now become a “matrix of separation.”²⁰ The separation principle was first enunciated publicly in Ehud Barak’s slogan, “Us here, them there” during his 1999 campaign for Prime Minister of Israel,²¹ and it has been the policy of every Israeli government since.²² The “matrix of separation” has many facets and dimensions, each of which has had a drastically negative impact upon every aspect of Palestinian life.

5.2.2 Land Seizure

In an interview with Ma’ale Edummim architect, Thomas M. Leitersdorf described the strategy to ‘capture ground’ in the West Bank: “you capture as much areas as possible by placing few people on numerous hills. The underlying political idea was that the further inside the Occupied Territories we placed settlers, the more territory Israel would have when the time came to set the permanent international borders.”²³

5.2.2.1 The settlements

One of the most important elements of the matrix of separation is the massive number of Jewish settlements, which Israel has built in the West Bank (see Appendix I, Map 1, “West Bank and Gaza Strip 2000”). The Israeli government has been building settlements ever since shortly after the 1967 War. The Oslo Interim Agreements in the 1990’s were based on the premise that Israel would be willing to give up land in the West Bank and Gaza for peace. Yet, during the seven years of the Oslo Process, the number of settlements in the West Bank increased significantly, and the actual number of settlers in the West Bank (excluding East Jerusalem) increased by 90 percent!²⁴ And, ever since Oslo, the number of settlers and settlements has relentlessly increased. In their 2008 annual report²⁵, B’Tselem describes what has happened during the last few years:

The Ministry of the Interior recognizes 121 settlements in the West Bank (not including East Jerusalem). In addition there are 12 large settlements in East Jerusalem. Also there are some 100

outposts in the West Bank that the government does not officially recognize, but supplies services to many of them.

The Israeli Central Bureau of Statistics (CBS) estimated the 2008 population of the settlements at 285,800. Together with the 198,700 residents of the East Jerusalem settlements, the total number of settlers in the West Bank approaches half a million. The CBS also estimates that, in 2008, the settler population (not including East Jerusalem) rose by 4.7%. This figure is appreciably higher (*almost 300%*) than the 1.6 percent growth rate inside Israel.²⁶

Further, settlements have been placed in every section of the West Bank, and many of them are strategically located at communication junctions, on strategic hilltops, and in valleys that are of strategic importance as corridors of movement. In the words of Israeli author, Eyal Weizman, “[I]ndividual settlements were located on strategic summits, thereby allowing them to function as observation points: maintaining visual connection with each other and overlooking their surroundings, main traffic arteries, strategic road junctions, and Palestinian cities, towns and villages.”²⁷

Furthermore, numbers of these settlements have been put together into large, almost continuous, urban blocks (see Appendix I, Map 2, “Jewish Settlements in the West Bank”). First, there is a large group of settlements southwest of Nablus. Israel plans that this settlement block will become part of Israel since “fingers” of the wall/fence run many miles into the West Bank to include them (see Appendix I, Map 3, “West Bank Wall – 2006”, and see the discussion of the separation wall/fence below). Second, there is a massive arc of settlements surrounding Jerusalem. As the map reveals, this block extends many miles eastward into the Jordan valley near the Palestinian city of Jericho. The significance of this massive arc of settlement will be discussed when considering the impact of “matrix of separation” on Jerusalem, below.

5.2.2.2 The system of by-pass roads/highways

The next critical element in the matrix of separation is the system of by-pass roads/highways. (These are represented on Map 1 by blue lines). From very early in the process of establishing settlements, the Israeli government began building by-pass roads.²⁸ They were built in order to connect the Israeli settlements to one another, to Jerusalem, and to Israel proper without passing through any area of Palestinian occupation. During the Oslo process, the Israeli government built 29 of these roads. In 2005, Halper described these roads as follows: “these highways, lined on both sides with “sanitary margins” that eliminate all Palestinian homes, fields and orchards in their path, are 300 miles in length and three to four football fields wide”.²⁹

As Halper notes, as a result, many farmlands were destroyed by the construction of these roads, depriving their owners of their source of income. And because they are “security” roads, most of them are fenced. Consequently, farms have often been split into pieces, rendering it impossible for their owners to cross from one side of their property to the other. In recent years, the by-pass roads have been connected with the West Bank highways and integrated into a huge system (see Appendix I, Map 4 “Forbidden Roads Regime”).³⁰ Few Palestinians travel on either the bypass roads or the highways, either because access to them is prevented by a system of physical barriers (see the discussion of “the closure regime” below) or because permission to do so is forbidden.³¹ Further, note on Maps 1 and 4 how the by-pass and highway road system divides the West Bank into enclaves, which do not connect with one another. Movement between the enclaves requires formal permits from the Israeli authorities, which are very difficult to obtain. As a result, movement from one enclave to another has become very difficult for Palestinians. Clearly, if this situation becomes permanent, it will preclude any meaningful Palestinian state.

5.2.2.3 The Separation Wall/Fence

Without doubt, the most serious element of the matrix of separations is the “separation wall/fence.” The wall/fence, which Israel began building in 2002, is a complex barrier, replete with rolls of barbed wire on each side, a 6 to 8 foot deep ditch on the Palestinian side, and paved roads for military vehicles. The average width of the barrier is 50-70 yards, but it may reach up to 100 yards in

some areas. In most areas of the West Bank, at the center of the barrier is a ten-foot high fence. However, when the barrier passes close to Palestinian cities, such as East Jerusalem or Bethlehem, at its center is not a fence, but a wall made of solid concrete slabs, 26 feet in height, often with observation and sniper towers every few hundred yards.

The construction of the wall has resulted in several serious consequences for the Palestinians, one of which is occasioned simply by its route (see Appendix I, Map 3, “West Bank Wall, 2006”), The current route of the wall/fence was approved by the Israeli cabinet in April 2006.³² . Note that the wall is frequently not built on

the internationally recognized armistice line between Israel and the West Bank. Almost three-quarters of the separation wall/fence (325 of the 450 miles in length) is inside the West Bank.³³

In the north, the wall/fence extends many miles into the West Bank (in what are frequently called “fingers”) to include some of the settlements of the large block southwest of Nablus (see Map 3). Indeed, one of the worst effects that the wall/fence is having and will have on the West Bank is what has happened in this northern region. The loss of land here will severely damage the Palestinian way of life. The Palestinian economy is essentially an agricultural one, and this area, where rainfall is the heaviest, is literally the breadbasket of the West Bank. In section 5.2.4.1 ‘Water - Consumption of a Rare Resource’ below, dealing with Israel’s discriminatory water policy, the importance of the mountain aquifer for the Palestinians of the West Bank is noted. In this region, the settlements have been strategically located over these water reservoirs. If these areas are annexed to Israel, it will create a permanent shortage of water for the Palestinians of the West Bank.

Secondly, the wall/fence will have grave consequences for those who live in the land between the wall/fence and the 1967 borders. Israel calls this area the “seam zone.” In October 2003, the area was declared closed by military order. All residents and landowners in the seam zone must obtain a special permit to remain in their homes or to work their land, permits which are exceedingly difficult to get.³⁴ The UN Office for the Coordination of Humanitarian Affairs in the OPT reports³⁵ that 60,500 Palestinians living in 42 villages will be living in this seam zone, and will be virtually cut off from the rest of the West Bank.



Finally, the wall/fence runs east of some 69 Israeli settlements – comprising some 83 percent of the settlers,³⁶ – and the Israeli government has publicly declared that the wall/fence will be its permanent border. Numerous Israeli government statements have made this clear. For example, in an article in the Israeli newspaper, Ha'aretz on Thursday, Dec. 1st, 2005, entitled, "West Bank fence is Israel's future border," Israeli journalist Yuval Yoaz wrote, Justice Minister Tzipi Livni has stated publicly that the separation wall/fence will serve as "the future border of the state of Israel" and that, "the High Court of Justice, in its rulings over the fence, is drawing the country's borders."

And on February 10th, 2006, the Israeli columnist Aluf Benn published an article, entitled, "Olmert: Israel will separate from most Palestinians," in which he wrote: Acting Prime Minister Ehud Olmert said yesterday, . . . that Israel "will separate from most of the Palestinian population that lives in the West Bank . . . We are moving toward separation from the Palestinians, toward setting Israel's permanent border."

On July 9, 2004, the International Court of Justice (ICJ) published its Advisory Opinion in regarding the construction of the wall/fence in the Occupied Palestinian Territory. "The Court finds that the construction by Israel of a wall in the Occupied Palestinian Territory and its associated régime are contrary to international law"; "the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law"; "Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion"; and "Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem". Furthermore, the ICJ concludes, "the Court considers that Israel cannot rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the wall. The Court accordingly finds that the construction of the wall and its associated régime are contrary to international law."³⁷

5.2.2.4 House Demolitions

One of the most brutal of the means by which the Israeli military maintains this matrix of separation is the policy of the demolition of Palestinian homes.³⁸ The policy is used for preventing the Palestinians from building either outside the enclaves to which they have been confined or anywhere near the by-pass roads. Any construction outside the Palestinian enclaves cannot be done without a building permit. The introduction to a study by B'Tselem reports, "Over the past dozens of years, Israel has created a situation in the West Bank in which thousands of Palestinians are unable to obtain a permit to build on their land. Consequently, they are compelled to build without a permit."³⁹ And, as Neve Gordon notes, "Applications filed to the Civil Administration . . . for building on private land . . . are almost always rejected."⁴⁰ As a result, desperation caused by overcrowded conditions in the Palestinian areas have forced many Palestinians to build without permits and to invest their life savings in building homes they know might well be destroyed. Halper reported in 2005 that, from the time of the start of the second intifada in September 2000 until then, over 900 homes had been demolished for lack of a permit,⁴¹ while many thousands have been destroyed for other reasons.⁴²

As Jeff Halper notes, "The human suffering entailed in the process of destroying a family's home is incalculable."⁴³ Palestinian families never know just when the demolition crews, accompanied by dozens of soldiers and police, will arrive. When the dreaded time comes, the families are usually given 15 to 30 minutes warning to remove their belongings before the bulldozer moves in. Home demolitions are almost always brutal, since families understandably refuse to leave their home voluntarily so that it might be demolished. Therefore, demolitions usually involve arrest and often beatings. This cruel policy has had but one goal, to keep the Palestinians confined to their isolated enclaves, and to keep the area of the West Bank under Israeli control free for Israeli settlement construction and the building of by-pass roads, etc.

5.2.3 Travel Restriction - The “Closure Regime”

For several years now, another layer of restrictions has been imposed upon the Palestinians of the West Bank, which has come to be called the “closure regime.” “Closure” in general refers to restrictions placed by Israel on the movement of Palestinians (as well as goods and produce) across the borders between Palestinian enclaves and the territory controlled by Israel. Closure was imposed upon the Palestinians during Oslo,⁴⁴ as a response to suicide attacks carried out by Palestinian militants. Though such attacks have virtually come to an end, the Israeli government has not ended or reduced the policy. Instead, in the interests of separation, it has been drastically heightened and extended it, so that it has become what we shall call the “closure regime.”

The most important of the elements of the closure regime are the many “checkpoints,” barriers of various types manned by the Israeli military.⁴⁵ These barriers consist of a large number of other physical impediments, used primarily to block access to the by-pass road/highway system (described in section 5.2.2.2 The system of By-pass Roads/Highways), such as metal gates, mounds of earth or rubble, a series of large concrete blocks across the road or deep trenches.⁴⁶ All of these impediments have the purpose of controlling or blocking Palestinian movement. Yet, in November 2005, Israel signed “The Agreement on Movement and Access”. In regard to the West Bank, the agreement stated, “Israel will facilitate the movement of people and goods within the West Bank and minimize disruption to Palestinian lives.” Not only has this not been met, exactly the opposite has happened. According to the UN’s Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories, the number of closures in the West Bank has increased from 396 in November 2005 to 630 in March 2009, an increase of 59 percent!

Since most Palestinians have little or no access to the by-pass road/highway system, they are compelled to use an alternative road network of secondary and inferior roads, often unpaved.⁴⁷ As a result, a two-tier road system exists in the West Bank, which operate side by side. To enable Palestinians to travel from one enclave to the other, increasingly tunnels and bridges are being built under or over the Israeli by-pass/highway network.⁴⁸ This regime has been imposed by the Israeli military ostensibly as a security measure to protect its citizens. However, the vast majority of the elements of the closure regime separate Palestinians from Palestinians, rather than Palestinians from Israelis.

Thus, the matrix of separation in the West Bank, with its ever-expanding settlements, its system of by-pass roads/highways, the seizure of Palestinian water and the closure regime, has kept the Palestinians tightly confined. This has virtually destroyed the Palestinian economy, and reduced many Palestinians to poverty. Speaking of an earlier period, Neve Gordon describes the situation as follows:

[D]ue to the various restrictions placed on the movement of people, labor and goods, . . . the Palestinians have experienced a contraction of real personal incomes of almost 40 percent . . . Using a \$2.10 per day poverty line, an estimated 60 percent of the population was poor by December 2002⁴⁹

This was the result of the dire situation created by the re-occupation of the West Bank by the Israeli army in the summer of 2002. Since then, through massive infusions of aid, conditions have improved. Based on household income, according to the Palestine Central Bureau of Statistics, 45.7% of West Bank citizens live below the poverty line.⁵⁰ If the present status of the Israeli occupation as a “matrix of separation” in the West Bank does not change, a two-state solution seems hardly possible.

5.2.4 Environmental Degradation

5.2.4.1 Water - Consumption of a Rare Resource

Soon after the 1967 War, Israel transferred control over all the sources of water in the West Bank and the Gaza Strip to the military. The reason is simple: eighty percent of the mountain aquifers, the region’s largest reservoirs, are located under the West Bank (see Appendix I, Map 5, “Water Sources”), and Israel desires the great majority of it for her own use.⁵¹ Weizman reports, “Though the aquifer is the sole water source for residents of the West Bank, Israel uses 83 percent of its annually available water for the benefit

of Israeli cities and its settlements, while West Bank Palestinians use the remaining 17 percent.”⁵² At the same time, Israeli water policy has placed stringent, arbitrary and unjust controls upon Palestinian development of water resources and installations, for example, prohibiting the Palestinians from drilling any new wells. As a result, Palestinians regularly suffer acute water shortages, many receiving water only for three or four days a week, requiring the installation of large cisterns on the roof for storage. Even then many people run out of water before the next delivery and are forced to purchase it on the black market at exorbitant prices. It hardly needs to be said that this highly discriminatory policy contributes significantly to Israel’s matrix of separation.⁵³

5.2.4.2 Water – Pollution

A joint effort between the Israelis and the Palestinians is necessary to safeguard the purity of the water resources of the Mountain Aquifer. Friends of the Earth Middle East (FoEME) is a non-governmental, non-profit environmental organization with the primary objective of promoting co-operative efforts to protect the shared environmental heritage of the Middle East. FoEME has offices in Amman, Bethlehem and Tel-Aviv. Water resources are scarce in Palestine/Israel and Jordan. The Mountain Aquifer, which is mostly located under the West Bank, supplies large quantities of good quality freshwater to both peoples, and as we have seen, albeit unequally. The aquifer's recharge area, most of which is located in the West Bank, is highly vulnerable to pollution produced by people living in that area, including West Bank Palestinians and Israelis residing in settlements and within Israel's internationally recognized borders. Israel operates several dump sites in the West Bank which are supposed to be illegal under international law. According to FoEME one major Israeli run dump site in the West Bank has no adequate pollution prevention measures, although Israeli environmental regulations apply for Israeli managed sites in the West Bank as well. There also have been frequent reports of the waste of Israeli settlements (see below in the sub-section titled ‘dumping of waste’) being disposed in unsanitary Palestinian dump sites. Furthermore, it is noted that over the last years, and due to the difficulties of movement for Palestinians in the West Bank imposed by the Israeli Occupation Forces (IOF), hundreds of small, random dump sites were created within areas controlled by the Palestinian Authority. Complete details can be read in the 2006 report by FoEME⁵⁴

5.2.4.3 Agricultural Land – Access and Destruction

As noted in previous sections, in the West Bank, restrictions on movement of people and access to natural resources have stifled economic growth. The wall/fence is restricting farmers’ access to their land. Recurrent destruction of trees, private homes and public infrastructure, as well as settlers’ encroachments on private land create a permanent state of insecurity. Land administration and registration within the PA controlled areas has been slow and lacking in institutional capacity and resources.⁵⁵

Amnesty International has reported on the Israeli practice of destroying agricultural land and cisterns. Throughout the millennia, Palestinians have relied on water cisterns in which they collect rain water for daily use and irrigation. The government of Israel does not allow the construction of cisterns without a permit and makes it almost impossible for Palestinians to obtain such permits to build them. Amnesty International reported the heartbreaking story of a West Bank farmer Mahmoud al-'Alam.

“The village of Beit Ula, where Mahmoud lives, is not connected to the Palestinian water network. Instead the community, located north-west of Hebron, relies on rainwater, which it collects and stores in pots dug in the ground, known as cisterns. The nine new cisterns built in 2006 as part of a European Union-funded project to improve food security became the pride of the village. The cisterns were vital to the survival of the nine families that used them... until the bulldozers arrived. ‘[The Israeli army] destroyed everything; they went up and down several times with the bulldozer and uprooted everything,’ recalls Mahmoud al-'Alam. In a few hours, years of hard work had been undone. The cisterns had been built with the help of two local nongovernmental organizations, the Palestinian Agricultural Relief Committees and the Palestinian Hydrology Group. The cisterns provided water for 3,200 newly planted trees including olive, almond, lemon and fig trees. The farmers had also contributed a significant portion of the overall cost of

the project. 'We invested a lot of money and worked very hard,' said Mahmoud al-'Alam. 'This is good land and it was a very good project. We put a lot of thought into how to shape the terraces and build the cisterns in the best way, to make the best use of the land, and we planted trees which need little water... the saplings were growing well...' The story of Beit Ula is one of many cases where Israeli forces have targeted Palestinian communities in the region."⁵⁶

Another example is the March 11, 2008 destruction of vegetable crops and irrigation network in Jiftlik in the Jordan Valley. The photograph shows an Israeli army bulldozer at work destroying the crops.



5.2.4.4 Dumping of Waste

Rajah Shehadeh, a Palestinian lawyer and co-founder of Al-Haq, a Palestinian Human Rights group from the West Bank, describes in his book, *Palestinian Walks: Forays into a Vanishing Landscape*, his experiences walking the hills of the West Bank. On a walk with his friend, Dr. Mustafa Barghouti, founder of the Palestinian Medical Relief Organization, he tells us:

As we neared the top of the hill the clods of soil began to feel wet even though there was no spring nearby and it hadn't rained. We soon realized that we had walked into the open sewers of the Jewish settlement of Talmon to the north. This settlement might have had a rubbish collection system but it did not have one for treating sewage, which was just disposed of down the valley into land owned by Palestinian farmers.⁵⁷

Talmon is a settlement northwest of Ramallah. This incident is not unique and unfortunately typical. Kathleen and Bill Christison, retired US Central Intelligence Agency analysts, relate their experience when they visited the village of Wadi Fukin in the West Bank. They describe seeing tons of construction dirt and rocks from Betar Illit, an illegal Israeli settlement east of Wadi Fukin, dumped onto the Wadi Fukin's agricultural fields. Furthermore, the sewage from this settlement which has approximately a population of 29,000 is regularly dumped onto Wadi Fukin's lands. The Christisons say that "it is possible to see the large-diameter opening of a pipe near the top of the ridge line, from which the sewage pours".⁵⁸

Johann Hari, in an article in the London based newspaper, *The Independent*, reports about the problem of dumping of raw sewage onto Palestinian agricultural lands. "Across the occupied West Bank, raw untreated sewage is pumped every day out of the Jewish settlements, along large metal pipes, straight onto Palestinian land. From there, it can enter the groundwater and the reservoirs, and become a poison."⁵⁹

A third example is a B'Tselem video showing dumping of domestic effluent as well as industrial waste from the settlement of Ariel onto the lands of Sulfit village:

<http://www.youtube.com/watch?v=nPxLBzJjR9Y>. The footage shows graphically the sewage coming out of an open pipe down the valley onto the farm land of Sulfit.

5.2.5 Food Insecurity

Food insecurity, as defined by the Food and Agricultural Organization (FAO) of the United Nations, consists of four characteristics all of which must be present. These are: first, the availability of sufficient quantities and qualities of food; second, the ability to access adequate food resources; third, the stable availability of these food resources; and fourth the opportunity to consume food through adequate diet and availability of clean water, adequate sanitation and health care.

According to the United Nations FAO, the Palestinian people living in the West Bank and Gaza Strip are in serious trouble. Food security continues to the present day to be precarious in the Occupied Palestinian Territories. A 2007 food security analysis conducted by the United Nations Standing Committee on

Nutrition concluded that 34% of the population of West Bank and the Gaza Strip was considered food secure in 2006, while 20% was marginally food secure, 12% was vulnerable to becoming food insecure and 34% was food insecure.⁶⁰ See Map 6 in Appendix I for details of food insecurity by West Bank governorates. Economic conditions particularly the loss of jobs impacts directly on a population's food security in particular when that population is already experiencing significant levels of food insecurity. The Palestinian economy continues to contract under the pressures of economic restrictions and political instability. According to the World Bank, the per capita GDP in 2007 decreased to 60% of its levels in 1999, and investment dropped to precariously low levels.⁶¹

5.2.6 Destruction of Archeological Sites

A debate within Israel has existed for many years about the role of archeological excavation. There is a contention that some archeologists, in an attempt to show connections of the present state of Israel with the ancient Land of Israel, have been in too much haste or have discarded as unimportant upper layers of archeological records belonging to intervening Turkish, Arab and Byzantine periods. In other words, present day political realities have assumed a more important point of view than science. As quoted by William Dalrymple in his book *From the Holy Mountain*⁶²,

In 1992 the Jerusalem-based archaeologist Shulamit Giva accused Israeli Biblical archaeology of being 'a tool in the hands of the Zionist movement [attempting] to find a connection between the ancient history of the Land of Israel and the historic occurrence of the [modern] State of Israel'. Israeli archaeology, she continued, had 'lost its independence as a scientific discipline and become an executive arm of an ideological movement, a nationalist and political instrument which provided 'roots' for the new state'.⁶³

In a meeting with Bishop Hagop Sarkissian, of the Armenian Quarter in the Old City of Jerusalem, William Dalrymple relays several examples.

According to the official Israeli archaeological report . . . there were *four* separate monasteries discovered in the excavations north of the Damascus Gate, as well as two hostelrys for pilgrims and a large Christian cemetery. Moreover, shortly afterwards, a fifth Byzantine shrine - a small burial chapel decorated with mosaics and rare frescoes - was discovered near the Jaffa Gate. . . . But despite the unprecedented Christian protests, not one of these sites was preserved for posterity. All were reburied, with the exception of the frescoed chapel outside Jaffa Gate, which was bulldozed to make way for nothing more important than an underground parking lot. 'The whole Mamilla Project depends on it [the car park],' Gideon Avni of the Israel Antiquities Authority told the *Jerusalem Post* by way of explanation.⁶⁴

Other than archeological excavations, there have been complaints about the safeguarding of world heritage sites in the West Bank. January 9, 2004⁶⁵ Claire Smith, president of the World Archaeological Congress (WAC) and Associate Professor in Archaeology at Flinders University, Adelaide, Australia, accused Israel of systematically destroying world heritage sites in the West Bank and urged the international community to insist that Israel observe the Hague treaty protecting cultural assets in armed conflicts. In a rebuttal to Professor Smith's declarations, Dr. Uzi Dahar, the Deputy Director of the Israel Antiquities Authority in 2004, stated in a letter to Professor Smith dated January 25, 2004 that "a common cultural heritage of the sons of Abraham – Jews and Arabs – each with divided opinions on the fate of this country [presumably Israel and the Occupied Palestinian Territories] can serve as a lever for fostering peace. A condition for this is that neither side 'Take possession' of archaeology for its own objectives." Mr. Dahar, however, does recognize that "the violent events of the last two years (2002 to 2004) in the Palestinian Territories and in the State of Israel, have not only caused irreversible damages to many archeological and historical sites of intrinsic value, but also shattered hopes for a better definition of the present and the future of the cultural heritage of the Holy Land." An example of such destruction by the Israeli Occupation Forces is the destruction of large sections of the historic Old City of Nablus. Al-Haq, which has special

consultative status with the United Nations Economic and Social Council, has made an appeal in its report, "the world must stop destruction of cultural heritage in OPT" dated May 13, 2004. Al Haq claimed that in April 2002, Israeli occupying forces destroyed large sections of the historic Old City of Nablus as well as parts of Bethlehem and Hebron during "Operation Defensive Shield."

5.3 East Jerusalem and Territorial Expansion

The occupation is as fully a "matrix of separation" in the area of Jerusalem as it is in the rest of the West Bank. To document this some historical background is necessary.

When Israel took control of the West Bank in the 1967 War, there were two separate cities of Jerusalem: Israeli Jerusalem, which covered an area of about 15 square miles, ruled by Israel, and Palestinian Jerusalem, consisting of the Old City of Jerusalem and its municipal territory, which contained an area of about 2.3 square miles, ruled by Jordan (see Appendix I, Map 7 "Israeli Settlements and Palestinian Neighborhoods in East Jerusalem").

However, within weeks after the end of the war, Israel seized not only the area that had been Palestinian Jerusalem, but also an additional 24.7 square miles, most of which had belonged previously to 28 Palestinian villages of the West Bank, including parts of Ramallah in the north and Bethlehem in the south. The Israeli government unilaterally annexed this territory to the municipal boundaries of Israeli Jerusalem, and imposed Israeli law there.⁶⁶ This area is now known as "East Jerusalem," and the earlier Israeli Jerusalem is known as "West Jerusalem." In 1980, the Israeli Knesset passed legislation, which declared, "Jerusalem, complete and united, is the capital of Israel."⁶⁷ Therefore, most of the area that Israel claims as "East Jerusalem" was never previously part of the city, but rather part of the West Bank.

Demographic considerations were the primary factor in determining what land was expropriated to form "East Jerusalem." The primary goal was to ensure a Jewish majority in the city. This was accomplished by annexing sparsely populated land and excluding heavily populated Palestinian areas. In many cases villages were split in half. Parts of the villages of Anata, Hizma and Beit Iksa, for example, were annexed by Israel, but the most populated areas remained in the West Bank. In other cases, agricultural lands were annexed to Jerusalem, while the town or village itself remained in the West Bank. Such was the case with territory belonging to Bethlehem, Beit Jala and Beit Sahur in the south (for the location of these villages and towns, see Appendix I, Map 8 "The Wall, Bethlehem District – December 2003").

The effects of the annexation of East Jerusalem upon the Palestinians have been extreme. In its 2008 annual report, entitled "Human Rights in the Occupied Territories, B'Tselem states,

Since the annexation of East Jerusalem in 1967, the authorities have discriminated against its Palestinian residents in almost every area of life – education, infrastructure, municipal services, urban development, planning and building, and so forth.⁶⁸

Such discrimination has been going on since the Oslo period. In a study issued in late 1999, entitled "Injustice in the Holy City," B'Tselem included information on the neglect of infrastructure and services in the Palestinian neighborhoods. They reported that East Jerusalem residents are required to pay taxes like all city residents; however, they did not receive the same services. Since the annexation of Jerusalem, the municipality had continuously failed to invest significantly for roads, sidewalks, water and sewage systems in Palestinian neighborhoods, and almost no new school, public building, or medical clinic had been built. Less than 10% of the Municipality's development budget for 1999 was allocated for Palestinian neighborhoods, although the population then represented 33% of the city's residents. This lack of investment had left infrastructure in East Jerusalem in a deteriorated state. This is what B'Tselem reported in 1999, and it has not substantively changed since then:

- Entire Palestinian neighborhoods were not connected to a sewage system and did not have paved roads or sidewalks;
- Almost 90 percent of the sewage pipes, roads, and sidewalks are found in West Jerusalem;

- West Jerusalem had 1,000 public parks, East Jerusalem had 45;
- West Jerusalem had 36 public swimming pools, East Jerusalem did not have even one;
- West Jerusalem had 26 libraries, East Jerusalem had two;
- West Jerusalem had 531 sports facilities, East Jerusalem had 33.

Further, over the years, the Jerusalem city planning authorities have prepared few, if any, planning schemes that allow building in Palestinian areas. In the summary of a 1995 study entitled “A Policy of Discrimination: Land Seizure, Planning and Building in East Jerusalem,”⁶⁹ B’Tselem reported:

The Israeli authorities promote extensive building for Jewish neighborhoods, at an enormous investment, in the annexed area. At the same time, by their acts and omissions, the Israeli authorities choke development and building for the Palestinian population, who are perceived as a “demographic threat” to Israeli control of the city. . . . Town Planning Schemes: the planning authorities utilized the town planning schemes to restrict the development of Palestinian neighborhoods, limit the area designated for Palestinian construction, and reinforce Jewish control throughout the city.

This discrimination has continued unchanged over the years. In B’Tselem’s annual report for 2008,⁷⁰ they provide the following information:

The situation in the village of Silwan, which lies south of the Old City, clearly illustrates the discrimination in planning and building. The planning authorities have never prepared an outline plan for the village, without which it is impossible to build legally. Given that population growth in the village raises the need for additional construction, the residents have been forced to build without a permit.

Undoubtedly, the least defensible and certainly the most brutal of the Israeli policies to restrict the Palestinian population in East Jerusalem is the policy of demolishing houses and other structures belonging to those who have been forced to build without a permit. The policy is politically motivated and is aimed at maintaining a Jewish majority in the city.⁷¹ In a 2007 study of home demolitions in East Jerusalem, The Israeli Committee against Home Demolitions (ICAHD) included a table listing the buildings demolished in East Jerusalem between 1994 and 2006. The total listed is 678, including four, five and seven-story structures.⁷² The brutal policy has continued over the last two years. B’Tselem’s annual report for 2008 states:

In November, the Municipality demolished two structures that had been built illegally in the Bustan neighborhood. The Municipality intends to demolish the 90 structures in the neighborhood, which were built in the 1980s and 1990s, in order to construct an archeological garden. . . . In other Palestinian neighborhoods . . . , too, residents are compelled to build without a permit. In 2008, the Municipality demolished 89 residential units in East Jerusalem, compared to 65 in 2007. The threat of demolition hovers over thousands of Palestinian families in East Jerusalem that, having no alternative, have also built their homes without a permit.

The human suffering and trauma entailed in the destruction of houses in East Jerusalem is no different than it is for Palestinians in the West Bank (see section 5.2.2.4 West Bank, House Demolitions, above).

Clearly, the occupation is as fully a “matrix of separation” in the area of Jerusalem as it is in the rest of the West Bank. However, there are other aspects of the matrix of separation in the area of East Jerusalem and the territory of the West Bank surrounding Jerusalem which raise extremely serious questions about the possibility of a “two state” solution to the occupation. As described above, the Israeli authorities have gone to great lengths to keep the Palestinian residents of East Jerusalem confined to their limited neighborhoods. Yet, at the same time Israel has invested enormous resources in the construction of numerous, large and affluent new settlements in East Jerusalem for Jews alone. These settlements are slowly and relentlessly virtually filling East Jerusalem.⁷³ However, the problem is not only the large number

and size of the settlements for Jews alone built in East Jerusalem. As Map 3 “West Bank Wall 2006” reveals, Israel has also constructed a large block of settlements north and northwest of Jerusalem. There is also a second block of settlements south of Jerusalem and west and southwest of Bethlehem, isolating Bethlehem. Most critical, however, is a third, large block of settlements, Ma’aleh Adummim,⁷⁴ which lies due east of Jerusalem.

As Map 3 reveals, these three blocks create a massive arc of settlements around which the separation wall/fence is being built in order to include them on the west side of the wall, which Israel has declared will be its permanent border. The most troubling aspect of this massive arc of settlements, surrounded by the wall/fence, for the possibility of a viable Palestinian state is the Ma’aleh Adummim block on the east, which now stretches into the Jordan Valley, almost to the Palestinian town of Jericho, 10 miles east of Jerusalem.⁷⁵

The Ma’aleh Adummim settlement block was designated a city by the Israeli government in October 1992. While its current built-up area is small, its municipal plan covers a total area of just over 21 square miles.⁷⁶ The significance of this area can be gleaned from a comparison with Tel Aviv, a city of some 350,000 inhabitants with an area of 20 square miles. The strategy involved in the creation of the Adumim Block does not have to be inferred only from its dimensions on the map, though that is clear enough. The town’s mayor, Benny Kashriel, a leading figure in the West Bank settler movement, has openly said that Adumim was established “to create a buffer that will prevent the creation of a Palestinian state, because every state requires territorial contiguity.”

The massive arc of settlements stretching around Jerusalem and ending in the east in the massive bubble of the Ma’aleh Adummim block, surrounded by the separation wall, has cut the West Bank in two (see Map 3) Without change, it renders impossible a contiguous Palestinian state. It is hard to escape the conclusion that this has been what the Israeli government has intended with the building of the Ma’aleh Adummim block.

5.4 Gaza

Some background about the Gaza Strip would be helpful to understanding the conflict. The Gaza Strip, has the highest population density in the world, and “over three-quarters of the current estimated population of some 1.5 million are registered refugees”.⁷⁷ A large proportion of these refugees were expelled by the Israeli Haganah forces in 1947 to 1948 from Jaffa, Palestine and the coastal areas south of Jaffa.

In elections, which were certified as fair by international observers including former U S President Jimmy Carter, held on January 25, 2006, Hamas won municipal seats throughout the West Bank and Gaza and won 76 of 132 seats in the parliamentary election. With a majority of seats in the Palestinian parliament, Hamas could then form the government for the Palestinian Authority. Israel and its supporters, the United States and European Union, refused to recognize the new Hamas prime minister and instituted an economic blockade of the Gaza Strip and the West Bank in an effort to unseat the Hamas government. When the economic blockade failed, Israel with United States cooperation provided Fatah forces in Gaza with arms to battle Hamas. Violence erupted within the Palestinian territories with the end result that in 2007 Hamas controlled the Gaza Strip and the Palestinian Authority and Fatah controlled the West Bank. Efforts at reconciliation between the two factions have repeatedly failed. Violence continued between Hamas and Israel.

The United States, European Union and Israel governments consider Hamas to be a terrorist organization bent on the destruction of Israel, while most Gazans see Hamas as an organization formed to resist the occupation by Israel and to recover their lost lands in Palestine. Hamas is an Arabic acronym for *Harakat al-Muqawama al-Islamiyya*, or Islamic Resistance Movement. Hamas is a militant organization; however over 90% of Hamas’ resources are spent on social services to the Palestinian refugees.

The most horrific violence against Gaza by Israel occurred between December, 2008 and January, 2009, in the course of which the Israeli military destroyed or badly damaged Gazan homes, places of worship, schools, universities, factories, fishing boats, police stations - in short, everything that sustains civilized and orderly life. The Israeli government justified its attack by claiming that (1) Israel had no choice but to attack in response to the barrage of Hamas rockets fired from Gaza into Israel over the past eight years, and (2) only Hamas violated the six-month ceasefire on Dec. 19th, 2008 and only Hamas refused to re-institute it. Thus, only Hamas bears responsibility for what happened.

Major U.S. media outlets repeated the Israeli government pronouncements. On January 8th, Shervan Sardar published in the website the Electronic Intifada⁷⁸ an extensive study of the coverage of the conflict in the op-eds and editorials of major American newspapers, entitled *The US Media and the Attack on Gaza*. He writes, "In the first three days of the Israeli offensive from 28-30 December, editorials and op-eds from the major papers overwhelmingly adopted the official US and Israeli government talking points." Here are two of his examples.

The Washington Post stated that Hamas "invited the conflict by ending the six month old ceasefire and launching scores of rockets and mortar shells at Israel." Similarly, in *The New York Times*, Benny Morris maintained, "In November and early December, Hamas stepped up the rocket attacks and then, unilaterally, formally announced the end of the truce."

On Friday, January 9, the House of Representatives passed a resolution that "calls on all nations to lay blame both for the breaking of the 'calm' and for subsequent civilian casualties in Gaza precisely where blame belongs, that is, on Hamas." Conversely, the resolution praised Israel for the facilitation of humanitarian aid to Gaza. The resolution passed 390 to 5.

To understand the reality that lies behind this war, two periods of time will be considered: (1) What was the situation in Gaza after Hamas drove out the forces of Fatah and took over sole control of the Gaza Strip in June 2007, and (2) what transpired during the period of the six-month truce, which was inaugurated June 19th and ended on Dec. 19th, 2008.

During the first period, the 12 months from June 2007 until June 2008, violence by both sides continued unabated. Extremists in Gaza, some of them under the control of Hamas and some not, such as members of the Islamic Jihad, continued to fire rockets into Israel and seriously disrupt the life for Israel's southern towns. In an attempt to end this, the Israeli military regularly engaged in bombing attacks and military incursions into the Gaza Strip.

But a more important factor in what has led up to the current catastrophe has been the drastic deterioration of the quality of life of the Palestinians of the Gaza Strip. That quality of life was bad enough prior to the summer of 2007. John Wolfensohn, who had left his position as head of the World Bank in April 2006, was a special envoy of the "Quartet," whose job was to help implement the peace process during and after the removal of the Israeli settlements from Gaza in the summer of 2005. In an interview with the *Ha'aretz* newspaper in 2007⁷⁹, Wolfensohn said that "every aspect of that agreement was abrogated." The economy collapsed as a result, as Gaza's farmers saw their produce rot at the crossings, and unemployment and disillusionment among Gazans sky-rocketed. He concluded, "Instead of hope, the Palestinians saw that they were put back in prison. And with 50 per cent unemployment, further conflict is inevitable."

As a result of the Hamas takeover in 2007, the Israeli government placed the Gaza Strip under an unremitting blockade, which placed far more severe limits upon the amount of electricity, food, medicine and other necessities that may enter the Gaza Strip than had been permitted previously. The UN Office for the Co-ordination of Humanitarian Affairs issues a monthly report on conditions in the occupied Palestinian territories called "the Humanitarian Monitor."⁸⁰ The report monitors key humanitarian indicators and includes field observations collected by UN agencies including those of the health, education and food aid sectors.

The Gaza Humanitarian Monitor for October 2007 included the following statement: "Following . . . an Israeli cabinet decision, on 28 October the Government of Israel started implementing a proposed series of economic sanctions on the Gaza Strip." The new sanctions included the following severe restrictions: (1) the closure of Karni, the largest commercial crossing; (2) the prohibition of all exports from Gaza and the suspension of most industrial imports that were not of a humanitarian nature; (3) a severe reduction in the amount of fuel allowed entry; (4) a ban on the movement of Palestinians through Erez, the sole passenger crossing for Israel and the West Bank; and (5) an almost total closure of the Rafah crossing point, the only crossing on the border with Egypt. As Richard Falk, the UN Special Rapporteur for The Occupied Palestinian Territories has noted: "Such a blockade is unlawful, a massive form of collective punishment, and as such is in violation of Article 33 of the Fourth Geneva Convention, and also a violation of Article 55, which requires that the occupying power ensure that the civilian population has sufficient food and that its health needs are addressed."⁸¹

Under such an unremitting blockade, conditions in Gaza grew steadily worse and led to the economic collapse of Gaza. An article in the British newspaper, *The Guardian*, written by Soumaya Ghannoushi, a freelance writer and a researcher at the University of London, described conditions in Gaza early in 2007 as follows:

Gaza is at Israel's mercy. It depends almost totally on it for electricity and fuel, a result of the 38 years of Israel's direct control over of the Strip. This dependence has grown since June 2006, when Israel bombed Gaza's only power station. This was forced to close on Sunday when Israel blocked fuel shipment to the Strip. And, of course, no electricity does not mean dark candlelit nights only; it means no heating in the cold Gazan winter, and, more crucially, no water, with no fuel to pump, treat, or deliver the vital liquid to homes, schools, medical clinics or hospitals.

For months a terrible cloud of stench has been hanging over the tiny coastal strip. The sanitation system is in a state of paralysis. Raw sewage is spilling out on to the streets, homes and fields, and in order to save fuel, the city has stopped collecting garbage — 400 metric tons a day.

The siege has reduced 85 percent of Gaza's 1.5 million inhabitants to total dependency on food aid, the highest rate anywhere in the world. More than 95 percent of businesses and factories have been forced to close their doors . . .

The health system is crippled, with rapidly declining medical supplies, generated by the blockage of international aid. Hospitals are out of funds. . . . [T]he number of patients permitted to leave [for medical treatment has ground almost to a halt, leading to tens of deaths.⁸²

When visiting [by one of the authors of this document] Hanna Massad, the Pastor of the Gaza Baptist Church, it was apparent that conditions were as bad as Ghannoushi describes. Garbage collection had not been made for many weeks. For want of adequate garbage disposal, the piles of garbage were being burned producing clouds of noxious and unhealthy smoke.

The effects of the blockade were nothing short of catastrophic, particularly for the children. Prior to 2005, when conditions were not as bad as they are now, Dr. Jean Ziegler, UN special envoy for the UN Human Rights Commission, spent 10 days in the occupied territories, from which he prepared a report for the UN General Assembly on conditions there. In a press briefing on his report held in the UN Briefing Room, the main findings were,

- 22% of Palestinian children under five are suffering from malnutrition—a three-fold increase from 2000.
- 9.3% suffer acute malnutrition—an eight-fold increase from 2000.
- 15.6% suffer acute anemia, which can lead to permanent impairment of physical and mental development.

Peter Hansen, who was United Nations Relief and Works Agency Commissioner-General in the same period, assessed the significance of findings like these. He wrote:

The world has grown used to the idea that hunger manifests itself only in the hollow cheeks and distended stomachs of an African famine. But today in the Gaza Strip and the West Bank, a dreadful, silent malnutrition is stalking the Palestinians.

In the terminology of experts, the Palestinians are suffering in the main from micronutrient deficiencies - what the World Health Organization calls "Hidden Hunger." It may be less dramatic than the protein-energy malnutrition that stalks African emergencies, but on the scale that it is being found among the Palestinians it is just as serious. Micronutrient deficient children fail to grow and develop normally; their cognition is damaged, often severely and irreversibly. Their immune systems are compromised. In both adults and children, mental and physical capacities are impaired. In extreme cases, blindness and death result. The mental and physical development of a generation of Palestinian children hangs in the balance. An ongoing study funded by the United States Agency for International Development has found that four out of five children in Gaza and the West Bank have inadequate iron and zinc intake, deficiencies that cause anaemia and weaken the immune system. . .

The stark fact is that 22 per cent of the Palestinian children are suffering from acute or chronic malnutrition for purely man-made reasons. No drought has hit Gaza and the West Bank, no crops have failed and the shops are often full of food. But the failure of the peace process and the destruction of the economy by Israel's closure policy have had the effect of a terrible natural disaster.

After setting forth further aspects of the situation, Hansen concluded his article:

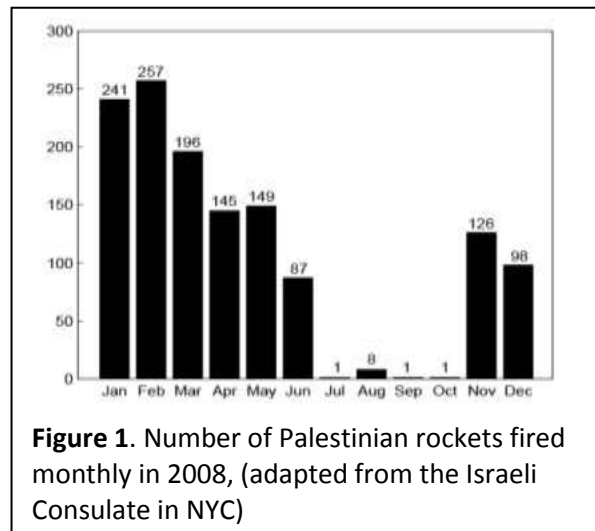
There are as yet no skeletal faces in Gaza for the television cameras to record, no bloated bellies to shock the world to action. Instead, the Palestinians face hidden hunger and the quiet horror of a generation that will be physically and mentally stunted for the rest of their lives.⁸³

During the same period described above, Qassam rockets from Gaza had caused fear and disruption of life in southern Israeli towns and had killed four Israeli civilians in the first six months of 2008. On June 19th, 2008 Israel and Hamas enacted a cease fire brokered by the Egyptian government. The terms of the cease fire were as follows:

1. Hamas would halt all rocket attacks into Israel.
2. Israel would halt all bombing raids and military incursions into Gaza.
3. Israel would begin to significantly reduce its military blockade of Gaza.⁸⁴

In the order that they are mentioned, let us briefly consider how each side met these terms. Term 1: On the Hamas side, the ceasefire was remarkably effective. In fact, the rate of rocket and mortar fire from Gaza into Israel dropped almost to zero, and stayed there for four straight months. The evidence for this has been set forth, surprisingly enough, in a chart of all the rockets fired from Gaza into Israel during 2008, prepared by the Israeli Consulate in New York City.⁸⁵

Figure 1 demonstrates that during the first 6 months of 2008, the monthly average of rockets fired from Gaza into Israel was 179. However, for the first 4 1/2 months of the truce, from June 19 through the end of October, the contrast is dramatic and striking. Only 11 rockets were fired, and 8 of those eleven were fired



in August. Hence, for 3 of the first 4 months of the ceasefire, one rocket each month was fired into Israel. The data shows clearly that Hamas can indeed control the violence if it so chooses, and sometimes, when it has the right incentives, it does for long periods of time. However, from November through December 19, the end-date of the ceasefire, the situation was completely reversed. Once again, numerous rockets were fired from Gaza into Israel. For that 6-week period, the number of rockets fired per month rose to an average of 112. Then, on Dec. 19, Hamas declared that it would not continue the ceasefire.

What caused this drastic reversal in Hamas' actions and decisions? The second condition of the cease fire was that Israel would halt all military incursions into Gaza. Evidence for this is set forth in the monthly reports of The UN Humanitarian Monitor for the Occupied Palestinian Territories⁸⁶. A portion of the chart of the monthly report of Palestinian deaths and injuries for October 2008 is displayed in the table below:

Number of Palestinian deaths - direct conflict												
	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08
West Bank	10	1	4	9	6	8	3	3	5	4	1	5
Gaza Strip	27	25	58	80	67	104	70	41	26	1	0	0
Israel	0	2	0	0	2	1	3	0	0	2	0	1
Number of Palestinian injuries - direct conflict												
West Bank	81	77	53	111	58	122	45	87	139	218	149	130
Gaza Strip	71	50	84	182	143	215	155	107	41	3	0	4

As the table shows, on the Israeli side also, the ceasefire was remarkably effective in reducing the violence. As with the number of rockets fired from Gaza, the contrast from the first 6 months of 2008 is dramatic. A little arithmetic would show that, during the first 6 months an average of 70 Palestinians were killed each month in Gaza by the Israeli military, and an average of 153 Palestinians were injured. But, for the 4 1/2 months from June 19 to the end of October, only 1 Palestinian was killed by direct military action, and only 9 were injured. However, in November and December the situation was reversed, exactly as was the case with the rockets from Gaza into Israel. The text of the monthly report of The UN Humanitarian Monitor for the Occupied Palestinian Territories for November⁸⁷ states that 15 Palestinians were killed and 24 injured from Israeli military incursions, and concludes, "This figure represents a sharp increase compared with the single Palestinian fatality during the four months (July – October 2008) immediately following the truce."

What happened to end this eminently successful ceasefire and bring on a new and tragic round of violence between the two sides? To answer this, consider the second condition of the ceasefire that was incumbent upon Israel, term 3, the requirement that Israel would begin to significantly reduce its military blockade of Gaza. Tragically, from the outset of the ceasefire, Israel did little to increase humanitarian aid to the previous level of around 700 trucks daily. Former President Carter said that it reached only about 20% of the previous levels and so Israel did not live up to even this more modest agreement. As a result, during the 4 1/2 months from June 19 to the end of October, in which the ceasefire was so very effective, Gazans continued to suffer from a lack of food, fuel, financial aid, electricity, clean water, medical supplies and more, to a degree that can only be called horrendous and unconscionable. Indeed, as the summer months went by, the situation actually deteriorated. The UN Humanitarian Monitor for July, dated August 12, states:

In Gaza, . . .the population of Gaza saw little tangible dividend from the truce. The amount of commodities remained far below actual needs as the level of imports was 46% below the level in May 2007 (one month before the Hamas takeover that triggered the full closure). The restrictions on imports, combined with the total ban on exports, kept 95% of Gaza's local industry closed.

And the Monitor for August, dated Sept 12, states:

Despite the re-opening of the Kerem Shalom commercial crossing, the amount of imports allowed to enter Gaza continued to decrease over the month, August imports constituted around 70% of July imports and 23% of the imports in May 2007, before the Hamas take-over. The lack of raw materials, combined with the continuous prohibition on exports prevented economic reactivation.

And yet, despite the fact that Hamas saw no tangible relaxation of the desperately serious living conditions in the Gaza Strip, they maintained the ceasefire from June 19 through October. So was there another reason for ending the eminently successful ceasefire and bringing on a new and tragic round of violence between the two sides? The answer seems crystal clear and unmistakable. In spite of the fact that the ceasefire had accomplished the end of violence by both sides, and especially the end of the rocket attacks upon the residents of southern Israel for 4 1/2 months, an end which Israel had been ceaselessly demanding, the cease fire was broken, not by Hamas, but by the Israeli military. Late in the evening of November 4th, while Americans voted for a new president, Israeli troops raided the Gaza Strip. Israeli military authorities claim that the target of the raid was a tunnel that they said Hamas was planning to use to capture Israeli soldiers, but the tunnel was located 250 meters from the border fence. In the course of the action six Palestinian militants were killed. On November 5, Hamas resumed sending rockets into Israel. With hindsight, the Hamas leadership should not have reacted to the Israeli provocation. But, having seen no tangible relaxation of the desperately serious living conditions in the Gaza Strip while they maintained the truce for 4 1/2 months, one presumes they acted out of anger and frustration.

One result of the failure of the ceasefire for the Palestinians of Gaza was drastic indeed. Following the resumption of violence on November 5, Israel virtually sealed the Gaza Strip. On Dec. 23rd, four days before the Israeli offensive began, Professor Sara Roy, who teaches at Harvard's Center for Middle Eastern Studies, published an article in *The London Review of Books* in which she discussed the extent and ramifications of this new siege of Gaza. She reported:

On November 5, the Israeli government sealed all the gates and entrances into Gaza. Food, medicine, fuel, parts for water and sanitation systems, fertiliser, plastic sheeting, phones, paper, glue, shoes and even teacups were no longer getting through in sufficient quantities or at all. According to Oxfam only 137 trucks of food were allowed into Gaza in November. This means that an average of 4.6 trucks per day entered the strip compared to an average of 123 in October this year and 564 in December 2005. . . . UNRWA alone feeds approximately 750,000 people in Gaza, and requires 15 trucks of food daily to do so. Between 5 November and 30 November, only 23 trucks arrived, around 6 per cent of the total needed; during the week of 30 November it received 12 trucks, or 11 per cent of what was required. There were three days in November when UNRWA ran out of food. . . . On 18 December UNRWA suspended all food distribution for both emergency and regular programs because of the blockade.⁸⁸

Thirty out of 47 commercial bakeries in Gaza have had to close because they had run out of cooking gas. As the UN Food and Agriculture Organization (FAO) has made clear, cooking-gas canisters are necessary for generating the warmth to incubate broiler chicks. Shortages of gas and animal feed have forced commercial producers to smother hundreds of thousands of chicks. By April, according to the FAO, there will be no poultry there at all: 70 per cent of Gazans rely on chicken as a major source of protein.

Gaza's Coastal Municipalities Water Utility (CMWU), which is not controlled by Hamas, is supposed to receive funds from the World Bank via the Palestinian Water Authority (PWA) in Ramallah to pay for fuel to run the pumps for Gaza's sewage system. Since June, the PWA has refused to hand over those funds, perhaps because it feels that a functioning sewage system would benefit Hamas. The CMWU has also asked Israel's permission to import 200 tons of chlorine, but by the end of November, 2008 it had received only 18 tons - enough for one week of chlorinated water. By mid-December, 2008 Gaza City and the north of Gaza had access to water only six hours every three days.

In his report to the special session of the Human Rights Council on the situation in the Gaza Strip, held on January 9, 2009, Richard Falk the UN's Special Rapporteur For The Occupied Palestinian Territories, summarized the situation in Gaza prior to Dec. 27th as follows:

[U]p to 80% of Gaza was living under the poverty line, unemployment totals approached 75%, and the health system was near collapse from the effects of the blockade.⁸⁹

Finally, given the fact that Israel had not only not met the most important obligation that the cease fire imposed upon her, namely the easing of the blockade, but had in fact virtually sealed the strip, so that conditions in Gaza had become unimaginable, on December 19th, Hamas decided that to continue the ceasefire was pointless.

Yet, according to the Israeli press, as late as December 23rd, four days before Israel began her bombing campaign, Yuval Diskin, the head of the Israeli security service Shin Bet, "told the Israeli cabinet that Hamas is interested in continuing the truce, but wants to improve its terms."⁹⁰ Diskin explained that Hamas was requesting two things: an end to the blockade, and an Israeli ceasefire on the West Bank. The cabinet – eager to appear tough with elections coming in February – rejected these terms.

Present conditions in the Gaza Strip continue to be intolerable. In the words of Amnesty International as expressed in their report, titled 'Suffocating: The Gaza Strip Under Israeli Blockade' and dated January 10, 2010,

the Israeli authorities say the blockade is a response to attacks from Palestinian armed groups, in particular the indiscriminate rockets fired from Gaza into southern Israel. In November 2009, Hamas declared a unilateral cessation of rocket fire, although this has been since been breached on several occasions by members of Palestinian armed groups. Israeli military forces, meanwhile, have conducted regular raids into Gaza and have continued to bomb the tunnels under the border at Rafah used for smuggling between Gaza and Egypt.

In fact, whatever its stated justification, by restricting the food, medical supplies, educational equipment, and building materials allowed into Gaza, the Israeli authorities are collectively punishing the entire population of Gaza, the majority of whom are children, rather than targeting those responsible for carrying out rocket or other attacks. The situation is made all the worse by the Egyptian government's continued general closure of the Rafah crossing and, most recently, by its construction of a steel wall along the border at Rafah to disrupt the cross-border smuggling that has become Gaza's lifeline. However, as the occupying power, it is Israel that bears the foremost responsibility for ensuring the welfare of the inhabitants of Gaza.⁹¹

Clearly, as this study has shown, the cause of the current catastrophe has far more to do with Israel's refusal to relieve the injurious and inhumane blockade of the Gaza Strip than it does with Hamas' refusal to control the rockets fired into Israel. For Hamas has demonstrated that, with sufficient incentive, it can control the rockets. Israel, however, has demonstrated its unwillingness to allow the people of Gaza a life worth living. Until Israel is willing to end the occupation and to grant the Palestinians their own state – a state with such dimensions and character that they do indeed have a life worth living, there will be no peace for either side in this tragic conflict.

On 3 April 2009, the President of the United Nations Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict with the mandate "to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January, 2009, whether before, during or after."⁹² The report of the findings of this Mission is commonly called the Goldstone Report.

With regard to Palestinian armed groups, the Mission found that:

In relation to the firing of rockets and mortars into Southern Israel by Palestinian armed groups operating in the Gaza Strip, the Palestinian armed groups fail to distinguish between military

targets and the civilian population and civilian objects in Southern Israel. The launching of rockets and mortars which cannot be aimed with sufficient precisions at military targets breaches the fundamental principle of distinction. Where there is no intended military target and the rockets and mortars are launched into civilian areas, they constitute a deliberate attack against the civilian population. These actions would constitute war crimes and may amount to crimes against humanity.

And with regard to Israel, the Mission found that

the following grave breaches of the Fourth Geneva Convention were committed by Israeli forces in Gaza: willful killing, torture or inhuman treatment, willfully causing great suffering or serious injury to body or health, and extensive destruction of property, not justified by military necessity and carried out unlawfully and wantonly. As grave breaches these acts give rise to individual criminal responsibility. The Mission notes that the use of human shields also constitutes a war crime under the Rome Statute of the International Criminal Court, [and]

that the series of acts that deprive Palestinians in the Gaza Strip of their means of subsistence, employment, housing and water, that deny their freedom of movement and their right to leave and enter their own country, that limit their rights to access a court of law and an effective remedy, could lead a competent court to find that the crime of persecution, a crime against humanity, has been committed.⁹³

Furthermore, as reported in the Goldstone Report, the number of Palestinians killed during Israel's attack on Gaza is estimated to be between 1,387 and 1,417. These numbers are based on estimates obtained after extensive field research and from non-governmental organizations. "According to the Government of Israel, during the military operations there were 4 Israeli fatal casualties in southern Israel, of whom 3 were civilians and one soldier, killed by rockets and mortars attacks by Palestinian armed groups. In addition, 9 Israeli soldiers were killed during the fighting inside the Gaza strip, 4 of whom as a result of friendly fire."⁹⁴

In interviewing Palestinian victims, human rights defenders, civil society interlocutors and officials, the Mission reported frequent comments about the hope that "this would be the last investigative mission of its kind, because action for justice would follow from it" and that "every time a report is published and no action follows, this 'emboldens Israel and her conviction of being untouchable' "

To deny modes of accountability reinforces impunity and impacts negatively on the credibility of the United Nations, and of the international community. The Mission believes these comments ought to be at the forefront in the consideration by Members States and United Nations bodies of its findings and recommendations and action consequent upon them. **The Mission is firmly convinced that justice and respect for the rule of law are the indispensable basis for peace. The prolonged situation of impunity has created a justice crisis in the OPT that warrants action.** [Emphasis added.]⁹⁵

6 THE PALESTINIAN AUTHORITY

6.1 Governing Structure

The evolution and structure of the governing bodies of the Palestinian people both in the Diaspora and in the Occupied Territories (West Bank, East Jerusalem, and the Gaza Strip) is somewhat complex. The Arab League during the 1964 Cairo meeting created the Palestine National Council (PNC) as the legislative arm of the Palestine Liberation Organization (PLO), which will be described in detail below. The PNC meets approximately biannually and operates as the Palestinian Parliament in exile. The PNC consists of the elected Palestine Legislative Council (PLC) (which also will be described in detail below) members to represent the West Bank, East Jerusalem, and the Gaza Strip and members at large to represent the Palestinian Diaspora. Among past actions of the PNC was the creation of the PLO in 1964, adoption of the Palestinian Declaration of Independence in 1988, and ratification of the Oslo Accords in 1993.¹ (Also see section 4, Failed Peace Process and its Consequences.)

The PLO is an umbrella organization for several parties all of which share the goal of an independent Palestinian state. For example, Fatah, is one party and the largest within the PLO. Governing bodies for the PLO are the PNC which is the legislative branch, the Executive Committee which is appointed by the PNC and conducts the business of the PNC between its biannual meetings, and the Central Committee which serves as the advisory body for the PLO. Ostensibly, these organizations represent all the Palestinian people including those in the Diaspora.

A description of the governing bodies within the Occupied Palestinian Territories (OPT) follows. A summary description of the government and administration of the Palestinian Authority (PA) can be found on the web site of the Palestinian Academic Society for the Study of International Affairs, Jerusalem (PASSIA).² The following content is a brief summary of that document. Pursuant to the Oslo Accords signed in September, 1993 (see Section 4 Failed Peace Process and its Consequences), the West Bank was divided into three areas designated as areas A, B, and C. In area A, comprised 17.2% of the West Bank (as of October, 2000), the Palestinian Authority (PA) was to have jurisdiction and security control; however Israel retained authority of movement in and out of area A and in fact conducts almost daily incursions into area A. In area B (23.8% of the West Bank), the PA has civil authority and responsibility for public order, while Israel maintains a 'security presence'. Finally, area C consisted of the remaining 59% of the West Bank and was and continues to be under total Israeli control and occupation. In spite of this apparent control by the PA of some areas of the West Bank, under international law Israel remains the occupying power over all the OPT including East Jerusalem.

Within the context of the Oslo Accords, the agreement, between the Palestine Liberation Organization (PLO) and Israel, called for the creation of an interim administrative organization to govern the West Bank, Gaza Strip and East Jerusalem (to be determined at final status talks) within the limitations of areas A, B, and C. This organization became known as the Palestinian National Authority (PNA or PA as is more commonly used). The peace process was to last five years after which there would be final status talks and the creation of the State of Palestine. As we have seen, this process failed.

The West Bank and the Gaza Strip were divided into 16 governorates, 11 in the West Bank including East Jerusalem and 5 in the Gaza Strip. The President of the PA appoints the governors who are subordinate to the Ministry of Local Government. Municipal and village councils, of which there are 557, have administrative responsibility for water, electricity, waste disposal, schools, planning and building control, road construction and maintenance, and control of public markets; however the Israeli authorities limited their powers and took control over policies and budgets. "The Arab Jerusalem Municipality Council was completely dissolved." Of the total number of municipal and village council members, 13.4% were women, mostly in the West Bank.³

As mentioned earlier, the Palestinian Authority held elections on January 25, 2006 for the Palestine Legislative Council. These elections were monitored by international observers, including former U S President Jimmy Carter, and were certified as fair and democratic. On September 26, 2005 during the campaigns for the elected seats in the Palestine Legislative Council, Israeli Occupation Forces arrested 450 members of the Hamas party most of whom were actively campaigning for the municipal elections or the PLC. The majority of those detained were kept in administrative detention for varying periods of time and released a few days before or after the day of elections. Furthermore "during the elections the Israeli authorities banned the candidates from holding election campaigns inside Jerusalem. Rallies and public meetings were prohibited. Those who violated the order were arrested. For example, on January 3, 2006, Dr. Mustafa Barghouthi, head of the Independent Palestine coalition list, was arrested in East Jerusalem whilst on a tour of the Old City as part of the Legislative election campaign".⁴

In June of 2006, Hamas militants abducted Cpl. Gilad Shalit shortly after which "Israel detained dozens of Palestinians holding senior positions in the Palestinian Authority, some of them ministers in the Hamas government, and most of the members of the Palestinian Legislative Council on behalf of Hamas in the West Bank. . . In May 2007, following a Qassam attack on Sderot, the army arrested dozens more senior

Palestinian officials, among them the Minister of Education . . . and the Minister for Fence and Settlements Affairs. . . These two ministers and forty-five members of the PLC continue to be held in detention in Israel".⁵ As of September, 2009 there were 24 Hamas members of the Palestine Legislative Council (Parliament) in Israeli custody.⁶ The Report of the United Nations Fact Finding Mission on the Gaza Conflict (the Goldstone Report)

finds that these practices have resulted in violations of international human rights and humanitarian law, including the prohibition of arbitrary detention, the right to equal protection under the law and not to be discriminated based on political beliefs and the special protections to which children are entitled. The Mission also finds that the detention of PLC members may amount to collective punishment contrary to international humanitarian law.⁷

In spite of the difficulties encountered in the campaign, Hamas won many municipal seats throughout the West Bank and Gaza and 76 of 132 parliamentary seats in the parliamentary election thus enabling it to select the Prime Minister, Ismail Haniyeh. Thus Hamas replaced Fatah as the majority party. The elected president of the PA, Mahmoud Abbas, is affiliated with Fatah which caused tensions between the largely Fatah dominated senior bureaucratic personnel and the newly appointed Hamas ministers and deputy ministers.

Israel and its supporters, the United States and European Union, refused to recognize the new Hamas prime minister and instituted an economic blockade of the Gaza Strip and the West Bank in an effort to unseat the Hamas government. Violence erupted, thought by many to be aided and abetted by the United States and Israel, within the Palestinian territories with the end result that in 2007 Hamas controlled the Gaza Strip and the Palestinian Authority and Fatah the West Bank. President Abbas then appointed Salam Fayyad (who belongs to the Third Way party) as the Prime Minister in the West Bank.

Donors to the PA bypassed the existing financial institutions (mainly the Hamas-headed Finance Ministry) and channeled funds via the President's Office. The surprising win by Hamas at the polls was thought, by many Palestinians, to be the result of disillusionment with Fatah and the perception of widespread corruption within the PA. Many Palestinians resented the interference with their elections by Israel and others. They felt that they worked for two years to plan a fair and democratic election and against great odds managed to carry on campaigns in spite of arrests and restrictions on travel. During and shortly after the economic boycott, one manifestation of this resentment was the oft-repeated statement: "I did not vote for Hamas, but if I had a chance again, I would vote for Hamas".

The Palestine Legislative Council (PLC) consists of 132 elected members (with six seats reserved for Christians). Palestinians vote solely for party lists. All presidential and parliamentary candidates are furthermore required to recognize the PLO as the sole legitimate representative of the Palestinian people. According to the U. S. Department of State 2008 Human Monitor for Israel and the Occupied Territories, there were 17 women in the 132-member PLC and three women in the 16-member Cabinet formed in June. There were seven Christians in the PLC and two in the cabinet during the year (2008).⁸

"Since the PLC elections in 1996, the development of a legal infrastructure and judicial system - devastated by decades of neglect under occupation, the lack of regulatory frameworks and a confusing mixture of Ottoman, British Mandate, Egyptian, and Jordanian laws as well as Israeli military orders - has been a priority. As of Nov. 2005, eighty five laws had been passed and signed, while another seven were awaiting signature by the President and others were pending in their readings or reviews by the PLC, or being drafted."⁹ The Palestinian Basic Law was passed on July 7, 2002 and serves as a basis for a constitution. In 2005, there were a Chief Justice and 128 judges (13 of them women) serving in the PA court system, consisting of the Supreme Court, Appeals Court, First Instance Courts and Magistrate Courts.¹⁰

6.2 Human Rights

Arrests. In the past in a response to suicide bombing and strong pressure from Israel and the United States, the PA conducted large scale arrests of individuals from various factions suspected of planning and carrying

out suicide bombing. These arrests included members of Islamic Jihad, Hamas, Palestine Front for Liberation of Palestine and others¹¹. According to PASSIA, “The insufficient conduct of legal proceedings, arbitrary raids and arrests, violation of the right to freedom of expression, as well as the torture of detainees have become regular complaints”¹².

Freedom of the Press. “The Basic Law permits every person the right to freedom of thought, conscience, and expression, orally, in writing, or through any other form. The PA does not have laws providing for freedom of press. A press law enjoins criticizing the PA or the president, but it was not applied. The climate of violence induced self-censorship, and both the PA security forces in the West Bank and members of the Hamas security apparatus in Gaza restricted freedoms of speech and press. Individuals criticizing the authorities publicly risked reprisal, and during the year (2007) PA security forces and Hamas Executive Forces closed media offices, confiscated equipment, prevented the delivery of newspapers, and assaulted journalists during demonstrations.”¹³

Deaths. From September 29, 2000 to December 26, 2008 five hundred and ninety three Palestinians were killed by Palestinians, 120 of them on suspicion of collaborating with Israel.¹⁴ According to the Palestine Human Rights Monitoring Group, (PHRMG) 161 collaborators were killed by Palestinians and the PA Security Forces between September 28, 2000 and August 31, 2008, and a total of 35 honor killings occurred in the West Bank and Gaza Strip between 2003-Aug. 2008.¹⁵ According to B’Tselem there were 71 death sentences of which 13 were executed.¹⁶

7 LAW IN OCCUPIED PALESTINIAN TERRITORIES

7.1 Separate Laws for Settlers and Palestinians

The System of military rule imposed upon the OPT¹ has been in place ever since the 1967 War. It is in some ways the most primary of the elements which comprise the matrix of control since (see Section 5) it is the one which makes all the others possible. However, it has changed over the years of the occupation only in expanding and contracting as Israel’s military commanders deemed it necessary for its control needs.

The 1967 War ended the geographic separation between the Israelis and the Palestinians of the West Bank and Gaza, which had existed during the 18 years since the end of the 1947-49 War. This created a critical demographic problem for the government of Israel, for these areas contained some 900,000 Palestinians who had not fled during the war or been expelled shortly after its end.² Israel could simply annex the West Bank and Gaza, thereby granting citizenship to their Palestinian residents, as she had done with the Palestinians who had not been driven out of Israel in the 1947-49 War, who by 1967 numbered some 400,000. But then Israel would face a Palestinian population of some 1.3 million. Given that the Palestinian birth rate was higher than that for Israel, eventually the number of Palestinians would exceed the number of Jews in the state. This was unacceptable to the leadership of Israel, for whom the ideal state of Israel was for Jews alone.

Consequently, unwilling on the one hand to risk the international, political costs of eviction and unwilling on the other hand to accept the internal, social implications of annexation, the Israeli government settled for the option of leaving the Palestinians in place, but putting them under a tight, oppressive military rule.

On June 7, the third day of the 1967 War, the commander of the Israeli occupying forces placed the OPT under strict military rule, justifying himself with the words, “in the interests of security and public order.”³ Military Order No. 2 stated, “All powers of governance, legislation, appointment and administration in relation to the Region and its inhabitants shall henceforth invest in me alone and shall be exercised by me . . .” The proclamation went on to state that the military commander had the power to enact any law, make legislative changes and cancel or suspend any existing law. These military orders immediately became law for all Palestinians living in the OPT.

In addition to establishing military rule, Israel rejected the applicability to the OPT of the 1949 Fourth Geneva Convention, the most important humanitarian law pertaining to the land and the population of

occupied territories.⁴ Israel's rationale was that the West Bank and Gaza should not be considered "occupied" territory because, though the two regions had been ruled by Jordan and Egypt from 1948 to 1967, they had never legally become a part of those two states. Consequently, they are disputed, not occupied, territory. Therefore, since they are not "occupied territory," they are not subject to the Fourth Geneva Convention.⁵ The international community has rejected entirely these arguments.

Further, though it rejected the applicability of the Fourth Geneva Convention, Israel accepted the principles of The Hague Conventions and Regulations of 1907, in particular article 43, which specifies that the occupying power must recognize the laws that were in force when a territory was occupied. Consequently, Israel was able to set up in the OPT a complex legal tradition that incorporated laws from the period of Ottoman rule, from the time of the British Mandate (in particular the emergency regulations from 1945), Jordanian laws in the West Bank and Egyptian laws in Gaza.⁶ Israel's transparent purpose in this adoption is well-described by Neve Gordon:

The implementation of this complex and comprehensive legal system has not only enabled Israel to enact any law it wishes, but also to change or cancel local laws that were in place prior to the occupation. Those parts of the Jordanian or Egyptian law that advanced Israel's political objectives were maintained, while other parts that hindered these objectives were altered or annulled. . . . Israel opted for a partial adoption of the pertinent clauses of the Hague Convention, one that corresponded to its needs.⁷

Since June 1967, the military commander has issued over 2,500 of these military orders, and they have dealt with virtually every aspect of the matrix of control, as well as military, judiciary and fiscal matters; and administrative affairs, including education, welfare, and health. After the Oslo Accords were signed in 1993 and 1995, the military order system continued to apply to all Palestinians in the OPT, even those living in Area A, which was exclusively under the civil and security control of the Palestinian Authority. Palestinians are often unaware that new military orders have been issued because they have not normally been translated into Arabic.⁸ They are frequently revised, almost impossible to challenge, and can apply retroactively.

As part of rule by military law, Israel set up a system of military courts, replete with military judges and prosecutors. Though Palestinians charged with violations of local Palestinian law are tried in Palestinian courts, all those charged with violations of military edicts are tried in the Israeli military court system. All the officials of the court system are military officers, many of whom do not have sufficient judicial training. It has been frequently noted by NGOs and human rights organizations that, all too often, the court procedures not only do not fall within the required international standards of fair trial, but are gross violations of the same.⁹

This system of military law was also largely established by a permit system created by military orders. Permits monitored and controlled every aspect of Palestinian life,¹⁰ such as, for example, car registration, opening a business or constructing any kind of building. By March 1968, every male over the age of 16 had to be registered and carry an identity card at all times. Entire areas such as the Jordan Valley were made closed zones, requiring a permit to enter.

It is difficult to overstate the immense, and often negative, impact that this self-serving system of military law has had upon the occupation. Neve Gordon assesses its significance as follows:

[T]he conception of the law as an instrument that protects the individual from the sovereign – which can be traced back to the Magna Carta (1215) and, more recently, to post-World War II international law – was totally foreign to the legal system Israel set up in the OPT. It is therefore no coincidence that this system was never applied to the Jewish settlers who moved into the West Bank and the Gaza Strip. These settlers . . . were subjected to Israeli civilian law. . . . By transforming Jewish settlers into . . . creatures that are entitled to "personal jurisdiction" (i.e.,

laws that follow people), Israel managed to create a situation whereby two ethnic groups sharing the same space have actually been subjected to two radically different legal systems.¹¹

This complex system of legal governance served to sanction and make possible the alleged legality, legitimacy and morality of the matrix of control. As Neve Gordon observes, “The law served as the foundation for almost all of the other controlling apparatuses and practices and in many ways shaped their operation.”¹² It is thus not difficult to conclude that these two separate laws are institutionalized discrimination against the Palestinian People.

7.2 Violations of International and Humanitarian Laws

This report thus far has described the conditions leading to the creation of the State of Israel and the reality under which the Palestinian People live. Deprivation of the human rights of the Palestinian People under the Universal Declaration of Human Rights and International Law has been discussed in some detail beginning with the British Mandate in 1922 until the present day under Israeli occupation.

Human Rights as defined by international law are codified in the Universal Declaration of Human Rights which was adopted by the United Nations General Assembly 217 A (III) on December 10, 1948.¹³ This Declaration arose after the experience of World War II and specifically after the Hitler’s holocaust of Jews and others. The preamble recognizes that “the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”. A brief summary of some of the 30 articles in the Declaration is provided here:

everyone has the right to: life, liberty and security of person (Article 3); freedom from torture or to cruel, inhuman or degrading treatment or punishment (Article 5); recognition everywhere as a person before the law (Article 6); equality before the law and entitled without any discrimination to equal protection of the law (Article 7); not to be subjected to arbitrary arrest, detention or exile (Article 9); not be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation (Article 12); freedom of movement and residence within the borders of each state or leave any country, including his own, and to return to his country (Article 13); nationality or not be arbitrarily deprived of his nationality nor denied the right to change his nationality (Article 15); not be arbitrarily deprived of his property (Article 17); and freedom of opinion and expression (Article 19).

Here in brief summary are the details of the present state of Human Rights in the Palestinian Occupied Territories. There are many sources of information on this subject. The B’Tselem Annual Report 2007 ‘Human Rights in the Occupied Territories’¹⁴ summarizes Human Rights violations in the Palestinian Occupied Territories. The US Department of State ‘2008 Human Rights Report: Israel and the occupied territories’¹⁵ is also a good source of information. There are many other human rights groups that can be consulted on the subject. Amnesty International, Human Rights Watch, PASSIA, Al-Haq, and Miftah are just a few.

According to B’Tselem 2007 Report, the intentional killing of civilians not taking part in hostilities is a grave breach of the right to life and is classified in international humanitarian law as a war crime. Both Israel and Palestinians have killed innocent civilians. B’Tselem estimates that in 2007 alone, Israel killed 379 Palestinians of whom 133 were not participating in hostilities and 50 were not possible to determine if they were engaged in hostilities. During the same period, Palestinians killed 7 Israeli civilians not engaged in hostilities. The Israeli Government continues to practice collective punishment, a tightened siege, and sanctions of the Gaza Strip. According to B’Tselem the Gazan economy is devastated and “more than 80% of Gazans depend on direct assistance from humanitarian agencies to keep them from starving”. Gaza is often called a big prison containing 1.5 million Palestinians. This blockade and siege of Gaza is in violation of international humanitarian law and international human rights law.

Other violations of the human rights of the Palestinian people are the restriction of movement in and out of Gaza and in and out and within the West Bank. The wall/fence, forbidden road system, earth

mounds and other road closures all hinder the movement of people and goods within the West Bank. The opinion of B'Tselem is that "these restrictions constitute a form of collective punishment, which is categorically prohibited by international humanitarian law."¹⁶ Beatings and humiliations by Israeli security forces are extensive. "The large number of cases, their severity and their frequency all indicate that ill treatment is not committed by a handful of 'rotten apples', but is common and constitutes a systematic failure".¹⁷

More than 6,000 Palestinians were detained for interrogation by the Israel Security Agency (known as Shin Bet). Detainees were subjected to varying amounts of psychological and physical abuse. According to B'Tselem, some interrogations included the use of physical force which amounted to torture. There were many complaints sent to the Israel State Attorney's Office; however the government failed to initiate criminal proceedings. According to B'Tselem, "this failure exposes the Israel Security Agency interrogators and those in the political echelon who supervise them to criminal prosecution abroad".

Israeli soldiers continued using Palestinians as human shields - forcing them to perform dangerous military tasks or to protect soldiers from gunfire. Settler violence against West Bank citizens continued. B'Tselem investigated many cases and claims that it occurs daily in the Hebron City Center. Cases of settler violence, even when brought to the attention of the courts, seldom result in punishment. Moreover, Palestinians are tried in military courts whereas settlers are tried in Israeli civil courts. "This dual system is discriminatory with regard to the right to fair trial, in that it is based solely on the nationality of the defendants. Such discrimination is patently prohibited by both international and Israeli law."¹⁸

Other violations of human rights, most of which are described more fully in the report, are the denial of family unification; discriminatory distribution of water in the West Bank; the existence and expansion of the settlements (colonies) in the West Bank; settler violence and the restriction of movement; restricted urban planning, house demolitions, isolation and expulsion of residents; revocation of residency in East Jerusalem; and the separation barrier and its consequences. B'Tselem in its 2007 Annual Report on Human Rights in the Occupied Territories describes more fully each of these areas of human rights violations.

The Palestinian Authority and the Hamas government have also committed human rights violations against Palestinians. According to B'Tselem, clashes between Fatah and Hamas in the West Bank and Gaza Strip resulted in increased incidences of human rights violations. Seventy three deaths of innocent bystanders, 23 of them children, occurred during street fighting or from gunfire during demonstrations. There have also been reports of torture of detainees by the Palestinian Authority¹⁹

8 UNCONDITIONAL SUPPORT OF ISRAEL BY THE UNITED STATES

Based on funding, supplies of arms, vetoes in the United Nations Security Council, and media, the United States Government is a strong partner and supporter of Israel in its war efforts, settlement and economic development.

8.1 Support through Funding.

A comprehensive and thorough estimate of total US aid to Israel from 1949 to 2008 is provided in an article by the Washington Report on Middle East Affairs November 8, 2008 issue.¹ The conservative estimate is that Israel over the years has received \$14,992.47 billion. This amount is considered to be a conservative estimate because additional monies are buried in the budgets of various U. S. Agencies such as the Defense Department or "in a form not easily quantifiable, such as the early disbursement of aid, giving Israel a direct benefit in interest income and the U.S. Treasury a corresponding loss".² Sources for these estimates were obtained from the Congressional Research Service Report RL33222, U. S. Foreign Aid to Israel, updated January 2, 2008, and the FY '08 omnibus appropriations bill, H.R. 2764.

However others contend that costs to American taxpayers due to the Israel/Palestine conflict is much more than the direct contributions to Israel. Thomas R. Stauffer, who has taught the economics of energy and the Middle East at Harvard and Georgetown University's School of Foreign Service, published a report which estimates the cost to U. S. tax payers to be close to \$3 trillion measured in 2002 dollars.³ Stauffer

claims that approximately 60% (which amounts to \$1.7 trillion) resulted from the U.S. defense of Israel since 1973. The majority of the remaining amount is due to a series of six oil-supply crises since the end of World War II.

U. S. aid to the Palestinian Authority totaled \$622.458 million⁴ for the 2004 to 2008 budget years. This compares to \$10,282.97 billion to Israel during the same period of time. The ratio of Palestinian aid to Israeli aid is 1 to 16,520! There is certainly nothing evenhanded about this disparity in aid.

8.2 Support through the Supply of Arms

Military weapons are machines designed to kill. *Consider what has been done with these machines in Lebanon, the West Bank, and the Gaza Strip!*

Citing U. S. Government sources⁵ Frida Berrigan and William D. Hartung, foreign policy scholars at Foreign Policy in Focus, estimate that “between 1996 and 2005 (the last year for which full data are available), Israel took delivery of \$10.19 billion in U.S. weaponry and military equipment, including more than \$8.58 billion through the Foreign Military Sales program, and another \$1.61 billion in Direct Commercial Sales”.⁶ The most prominent arms deal during the Bush administration was a \$4.5 billion sale of 102 Lockheed Martin F-16s. This type of aircraft has been used by Israel in its assaults on Lebanon, civilian areas of the West Bank and Gaza. A selected list of other U. S. weapons ‘purchased’ from the U. S. and included in the Israeli arsenal is: rifles, grenade launchers, 2.50 caliber machine guns, ammunition, cluster bombs; F-4E Phantom, F-15 Eagle, and F-16 Fighting Falcon fighter planes; AH-64 Apache Attack, Cobra Attack, CH-53D Sea Stallion, and Blackhawk helicopters; AGM 65 Maverick, AGM 114 Hellfire, TOW, AIM 7 Sparrow missiles, AIM 9 Sidewinder, AIM 120 B AMRAAM, Patriot, and Harpoon Anti-Ship Missiles.⁷

In contrast, the Palestinian Authority or Hamas have none of these weapons creating an enormous disparity in military power.

“Critics of U.S. aid policy, particularly some in the Middle East, argue that U.S. foreign aid exacerbates tensions in the region. Many Arab commentators insist that U.S. assistance to Israel indirectly causes suffering to Palestinians by supporting Israeli arms purchases. In the past, the United States reduced loan guarantees to Israel in opposition to continued settlement building, but it has not acted to cut Israel’s military or economic grant aid.”⁸

8.3 Support through Vetoes on Behalf of Israel

The United States first exercised its veto privilege in the Security Council in 1970. Its first veto on behalf of Israel was on July 26, 1973. From that date until the end of 2009, the United States used the veto 82 times and of those 82 times, 41 were on behalf of Israel.⁹ Here is a small sampling of the draft resolutions that were vetoed by the United States:

Three draft resolutions dated Nov 11, 2006, July 13, 2006 and October 5, 2004 demanding that Israel withdraws from Gaza and that both parties stop the violence.

March 25, 2004: condemnation of the assassination of Ahmed Yassin, the leader of Hamas.

On Oct 14, 2003: regarding the wall/fence built by Israel in the West Bank.

On Sept 16, 2003: regarding the Israeli decision to “remove” Palestinian Authority leader, Yasser Arafat.

Dec 20, 2002: on the killing by Israeli forces of several United Nations employees and the destruction of the World Food Program (WFP) warehouse.

Two resolutions in 2001: the first on the withdrawal of Israeli forces from Palestinian-controlled territory and condemning acts of terror against civilians and the second on establishing a UN observer force to protect Palestinian civilians.

In 1997: calling upon Israel to refrain from East Jerusalem settlement activities and demanding Israel's immediate cessation of construction at Jabal Abu Ghneim (now known as Har Homa settlement) in East Jerusalem.

9 CHRISTIAN PRESENCE

The Christian community has maintained an unbroken presence and witness in Jerusalem since Pentecost, gradually spreading throughout Palestine, the Middle East, and the Mediterranean world.¹ Much has been written about the history of Christianity in the Middle East. The subject is complex and cannot be reasonably considered within this short discussion. Christians of the Middle East including Palestine are part of the rich tapestry of Arabic culture. Arabic is the native language of the majority of Middle Eastern Christians. Many Palestinian Christians trace their history to the early church in Palestine and have a deep love and attachment to the land of Palestine.

There is continuing concern about the numbers of Christians remaining in the Middle East and particularly in Palestine. Estimates of numbers in the Middle East throughout the past two millennia are difficult to obtain at best. During the Byzantine Empire, Christians were thought to be the majority population of Palestine, Egypt and much of the Near East. At present it is estimated that 9,246,000 to 16,206,000 Christians live in the Middle East. Currently, Christians have been emigrating from the Middle East, and reasons for the outmigration vary by country. Political upheavals in Lebanon; discrimination in Israel, Egypt and Iran; the occupation and economic decline in the West Bank and Gaza; and security in Iraq are some of the reasons. Christians in Jordan and Syria appear to experience the least difficulties in the Middle East; however numbers are reported to be declining there as well. The Table below provides estimates by country²

Country	Estimated Numbers	Percentage of Population	Reasons for Decline
Lebanon	1.35 M ¹ to 1.6 M	34-41%	Political Situation
Israel	144 K ² to 196 K	2.1 – 2.8%	Discrimination
West Bank and Gaza	40 K – 90 K	1.1 – 2.4%	Occupation,
Egypt	5.8 M – 11 M	8 – 16%	Discrimination
Syria	970K – 1.7 M	5.4 – 9.4%	None given
Jordan	163 K – 220 K	3 – 4%	None given
Iraq	700 K – 1 M	2.7 – 3.5%	Security
Iran	79 K – 400K	0.1 -0.6%	Discrimination
Gulf States	2,048.9 K to 2,083.9 K	These are expatriate workers from many countries.	

1: 'M' denotes 'Million'; 2: 'K' denotes 'Thousand'

Although the total numbers of Christians in Israel and the Palestinian Territories have gradually increased, the proportions have declined significantly. According to the 1922 British census of Mandate Palestine,³ Christians constituted 9.50% of the total population. Using estimates from the Israeli Central Bureau of Statistics and the Palestinian Central Bureau of Statistics, the proportion of Christians in Israel and the Palestinian Territories is estimated to be 1.9%. However in certain areas, the Christian population has *decreased* in absolute numbers. An example is the Jerusalem-Bethlehem area, which “today has a Christian Palestinian population that is at least 12,000 less than the numbers of 1945.”⁴ Clearly, the Christian population is not growing at the same rate as the Jewish and Muslim populations.

The perception that the numbers of Christians are dwindling is underscored further if one examines population growth patterns. If one assumes that the population growth has an exponential distribution, and using British census data for Mandate Palestine from the years 1914 to 1947⁵, the growth rate parameter can be estimated; then using the 1945 number of Christians as a starting point, we would expect the population of Christians to double. Clearly, since the Christian population has not doubled and since there have been no reports of famine or epidemics, the natural conclusion is that outmigration is a major contributory factor to the population dynamics of Christians

The reduction in the proportion of Christians is attributed to lower birth rates and the higher rates of outmigration,⁶ which result from the occupation with its difficulties for daily life. A further concern of this outmigration is that those who migrate, either Christian or Muslim, are those whose political views are ‘liberals or seculars’ thus tending to leave behind a greater proportion of those on the extremes in political orientation.⁷

Propaganda on the issue of the decline in the numbers of Christians in the Middle East is frequent. A common assertion is that Christians experience discrimination in majority Muslim countries; however such a statement is misleading. The U. S. Department of State cites examples of discrimination against Christians by the Government of Israel which is not predominantly Muslim. In the Palestinian Territories, which are predominantly Muslim, Christians have six reserved seats and the Samaritans have one reserved out of the 132 seats in the Legislative Council. Party affiliations of Christians are either Fatah Party or Independents.⁸ Mainstream Muslim thinking about Christians in their midst is exemplified by the words of El Hassan Bin Talal, the previous Crown Prince of Jordan (now the present king’s uncle):

Christians remain leading spokesmen for Arab national causes – most notably, the Palestinian Arab cause. . . . Christian Arabs are in no way aliens to Muslim Arab society: a society whose history and culture they have shared for over fourteen centuries to date, without interruption, and to whose material and moral civilization they have continually contributed, and eminently so, on their own initiative or by trustful request. With such a heritage of trust and good faith in their favour, Christian Arabs need not feel any more apprehensive than other Arabs for things to come. With the patience, resilience and empathy for which they have been historically known, and the imaginative leadership they have rarely lacked, they will surely be at no loss to find their place in the Arab world of the future, to their own benefit, and to the benefit of all other parties concerned.⁹

Christian Churches and denominations are varied and provide a rich heritage to the Arab culture of Palestine and elsewhere in the Middle East. There are four major divisions of Christians: the Orthodox churches, the Orthodox Byzantine Churches (known as “Greek Orthodox Churches”), Catholic Churches, and Protestant Churches. Each of these divisions is yet divided further.¹⁰ The table below is a listing of these churches. (b) Patriarchate of the Throne of Saint Jacques of Jerusalem

I. Oriental Orthodox Churches:
1. “Assyrian Church of the East” or Oriental Syrian Church
2. The Syrian orthodox Church of Antioch
3. The Coptic Orthodox Church
4. The Armenian Apostolic Church: (a) Catholicosate of Etchmiadzin
(b) Patriarchate of the Throne of Saint Jacques of
(c) Armenian Patriarchate of Constantinople
(d) Armenian Catholicosate of the Great House of Cilicia
II. Eastern (Byzantine or Greek) Orthodox Churches
1. Patriarchate of Alexandria, Patriarchate of Alexandria and all of Africa
2. Greek-Orthodox Patriarchate of Antioch and all of the East
3. Greek-Orthodox Patriarchate of Jerusalem
4. Monastery of Saint Catherine from the Mount Sinai
III. Catholic Churches:
1. Maronite Patriarchate of Antioch and of all the East
2. Melkite Catholic Greek Patriarchate of Antioch and all the East, Alexandria and Jerusalem
3. Chaldean Catholic Church: Chaldean Patriarchate of Babylon
4. The Coptic Catholic Church: Patriarchate of Alexandria
5. Catholic Armenian Church: Armenian Patriarchate of Cilicia
6. Syrian Catholic Church: Antioch Patriarchate of the Syrians
7. The Catholic Church of the Latin Rite
IV. Protestant Churches: 11 denominations

A concise history explaining these divisions can be found in the article, 'Christian Churches in the Near and Middle East'¹¹. Unlike the Christians in the West, those in the East have lived as a minority in a society predominantly Muslim. This heritage provides an environment conducive to reconciliation between the three faiths in Palestine-Israel. The European Jewish immigration into Palestine brought with it a traumatized people who were the victims of religious persecution and this has unfortunately become a dominant characteristic of interethnic/religious relationships between Jews and Christians and Muslims. Furthermore, the West's intolerance of the Muslim culture has complicated relations between Muslims, the dominant religion, and Christians and Jews.

10 PROSPECTS FOR THE FUTURE

What is the solution to the Palestine/Israel conflict? It has been suggested there are four possible outcomes: (1) expulsion of all Palestinians from Palestine; and (2) one state with fragmented and separated Palestinian "ghettos"; (3) two states, each sovereign and independent; and (4) one state which is bi-national or secular with equal rights for all its citizens.

10.1 Expulsion of all Palestinians from Palestine

Consider option (1), i.e., the wish for the leadership in Israel to have a land without a people – free of all non-Jewish Palestinians whether Christian or Muslim. This wish has been expressed in various forms early from the founding of Zionism to this day. Nur Masalha in his book, *The Politics of Denial: Israel and the Palestinian Refugee Problem*¹, describes in detail the theme of 'population transfer' or 'ethnic cleansing' in the thinking and action of the Zionist movement in Palestine-Israel. His work is largely based on Hebrew and Israeli archival sources and represents some of the most original work in this area and is frequently cited by later authors.

For example, Masalha writes that Israel Zangwill, a prominent Anglo-Jewish writer, was an early advocate of the transfer solution: worked relentlessly to propagate the slogan 'a land without a people for a people without a land' "² Zionists knew that in fact that the land had people; however they viewed the Palestinians as people not worth considering. The view of Palestinians by most Zionists has not changed over the past century! As early as 1891, a leading liberal Russian Jewish thinker, Ahad Ha'Am (Asher Zvi Ginsberg) observed that the Zionist 'pioneers' believed that

the only language that the Arabs understand is that of force. . . . [The Zionist 'pioneers'] behave towards the Arabs with hostility and cruelty, trespass unjustly upon their boundaries, beat them shamefully without reason and even brag about it, and nobody stands to check this contemptible and dangerous tendency.³

Masalha documents with meticulous detail the early plans of the Zionist elites that the 'transfer' of the Palestinian people was a necessary prelude to the founding of the state of Israel. Tactics for such a



Stripped of Their Identity and Driven from Their Land by John Halaka (www.johnhalaka.com)

transfer evolved with time. In the beginning there was hope that through negotiations with colonial powers such as Italy, England, and Turkey that these powers would co-operate with the voluntary or forced transfer of the Palestinian population. When these tactics failed, then purchase of land was the attempted device; however by late 1947, the Jewish National Fund and others had acquired by purchase only 6 to 8 percent of the land (see 'Partition' in Section 2 above). Clearly other tactics were necessary if the Zionist leaders were to achieve their goal of a 'land without people'. After the United Nations General Assembly voted to recommend partition of Palestine in 1947, civil war erupted. The Yishuv armed forces, the Haganah, Irgun Tzavi Leumi and Lehi groups, were fully armed and on the offensive against a largely unarmed, disorganized, and powerless Palestinian groups. Both force and psychological intimidation were tactics used to initiate and implement the mass exodus of 750,000 to 800,000 Palestinians. After the cessation of hostilities and successful takeover of many villages by the Yishuv armed forces, the massacre of villagers was used as a successful device of intimidation resulting in the mass exodus⁴.

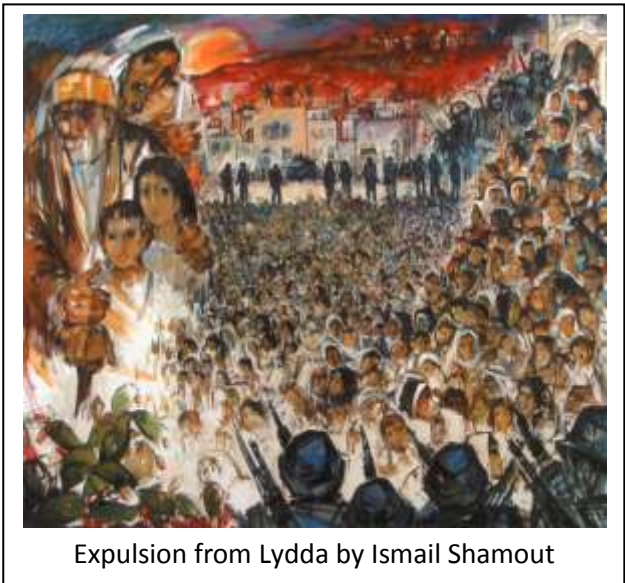
The expulsion of approximately 60,000 Palestinians from the towns of Lydda and Ramle in July, 1948 is just one example of outright forced expulsions. Masalha writes

“Ben-Gurion and three senior army officers were directly involved: Yigal Allon, Yitzhak Rabin and Moshe Dayan. Shortly before the capture of the towns, Ben-Gurion met with his army chiefs. Allon, commander of the Palmach, the Haganah's elite military force, asked Ben-Gurion, 'What shall we do with the Arabs?' Ben-Gurion answered (or according to one version, gestured with his hand), 'Expel them.' This was immediately communicated to the army headquarters and the expulsion implemented.⁵

Benny Morris, one of the first Israeli historians to write about the Nakba, writes:

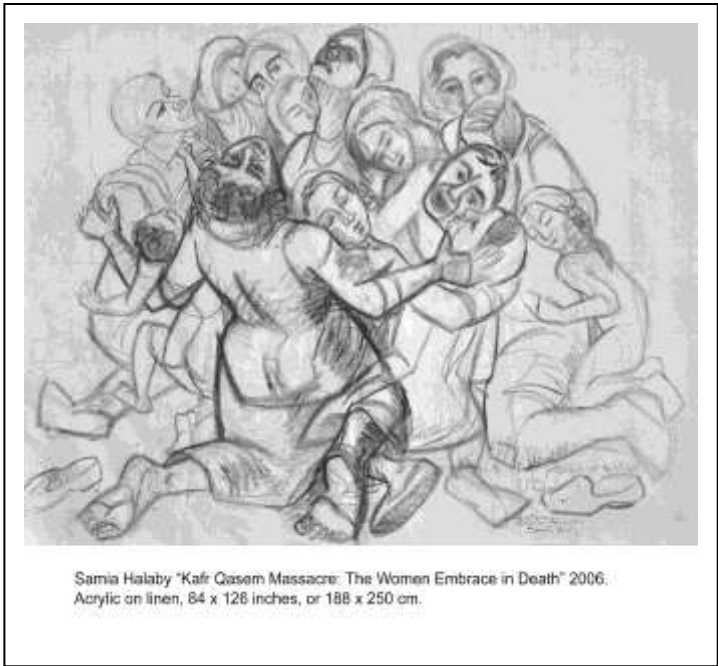
At 13.30 hours on 12 July ... Lieutenant-Colonel Yitzhak Rabin, Operation Dani head of Operations, issued the following order: 'I. The inhabitants of Lydda must be expelled quickly without attention to age.... Implement Immediately.' A similar order was issued at the same time to the Kiryati Brigade concerning the inhabitants of the neighbouring town of Ramle, occupied by Kiryati troops that morning. . . . On 12 and 13 July, the Yiftah and Kiryati brigades carried out their orders, expelling the 50-60,000 remaining inhabitants of Lydda and Ramle and refugees camped in and around the two ... About noon on 13 July . . . Lydda's inhabitants were forced to walk eastwards to the Arab Legion lines; many of Ramle's inhabitants were ferried in trucks or buses. Clogging the roads ... the tens of thousands of refugees marched, gradually shedding their worldly goods along the way. It was a hot summer day. Arab chroniclers, such as Sheikh Muhammad Nimr al Khatib, claimed that hundreds of children died in the march, from dehydration and disease. One Israeli witness described the spoor: the refugee column 'to begin with [jettisoned] utensils and furniture and, in the end, bodies of men, women and children.'⁶

Massacres did not stop in 1948-49. On October 29, 1956 Israeli border patrol massacred 48 Palestinian in Kafr Qasim which was a village within Israel and near the 'green line', the so called border between Israel and the West Bank.⁷ Palestinian sources put the death toll at 49 since one of the women was pregnant and her unborn child is counted as one of the casualties. The artist, Samia Halaby, collected eye witness testimony:



Expulsion from Lydda by Ismail Shamout

“The women grouped together into one embrace and began to slowly turn as the bullets struck them. . . . According to Kafr Qasim residents, the 16 year old Hana Amer was in the middle and could hear the bullets thudding on the women. One after another the women and girls all fell in one place at which time Hana, wounded and bleeding fainted. There she remained till the following day when she woke up as they were removing the dead. . . .In my drawing of the embrace before death, I draw Kahmise Amer in the front. She is first to begin falling. I show her wearing an *abbaye*, a tradition Arab coat, and her shoes fallen off her feet. Her son, Abu Butros, told me that on Wednesday afternoon when the curfew ended and they were allowed out of their homes, he found her shoes in the road along with pools of blood and other scattered possessions of the departed.”⁸



To the credit of some in the Israeli public who put pressure on their government, the Ben-Gurion government reluctantly agreed to bring the commanders responsible for the massacre to trial. They received jail sentences but were pardoned in one year and were then promoted.⁹

The previous descriptions are but a small sample of the expulsions of approximately 750,000 Palestinians in 1947 to 1948 and later. The present Muslim and Christian population within Israel, the West Bank and Gaza is at least 4 million. It would be difficult indeed to implement such a mass expulsion without worldwide revulsion. So option (1) is inconceivable and morally objectionable!

10.2 One-State with Fragmented and Separated Palestinian “ghettos”

The present situation resembles option (2) most closely in that the Palestinian people live in areas fragmented into many “ghettos” or “prisons”. The Gaza Strip has been frequently characterized as a 1.5 million people prison. East Jerusalem is under continuing pressure from the Israeli government with revocation of residency permits, house demolitions, and a myriad number of measures designed to make the people to quit and leave. We have seen with ample description in this report that the West Bank is divided into many enclaves with limited freedom of travel by the Palestinian people and their goods from one enclave to the next. This map demonstrates the Palestinian loss of land beginning in 1946 (the white areas represent land owned by Jewish citizens of Palestine). The second map represents the land proposed by the



UN Partition plan for the Palestinians (green areas) who were two thirds of the population of Palestine; the third map represents the area bounded by the 1967 (or equivalently the 1949 armistice) borders; and finally the fourth map represents the present day reality.

That the present situation is unacceptable by the international community is amply clear. A permanent occupation and repression of a people by a state is morally and ethically unacceptable and is against all international laws.

10.3 Two states, Each Sovereign and Independent

On April 30, 2003, the Road Map was formally presented to Israel and the Palestinian Authority by the United States, European Union, Russia and the United Nations (the Quartet). The plan is characterized as a performance based and goal-driven roadmap which proposes three phases. The first phase to be implemented by May 2003 was intended to end terror and violence, normalizing Palestinian life, and building Palestinian institutions. The end of violence was explicitly stated as follows:

Palestinian leadership issues unequivocal statement reiterating Israel's right to exist in peace and security and calling for an immediate and unconditional ceasefire to end armed activity and all acts of violence against Israelis anywhere. All official Palestinian institutions end incitement against Israel.

Israeli leadership issues unequivocal statement affirming its commitment to the two-state vision of an independent, viable, sovereign Palestinian state living in peace and security alongside Israel, as expressed by President Bush, and calling for an immediate end to violence against Palestinians everywhere. All official Israeli institutions end incitement against Palestinians.

This first phase also calls for the Government of Israel (GOI) to immediately dismantle settlement outposts erected since March 2001 and, consistent with the Mitchell Report, GOI freezes all settlement activity (including natural growth of settlements).. The second phase, to end in December 2003, was to focus on creating an independent Palestinian state with provisional borders and 'attributes' of sovereignty, based upon the new constitution, which was to be written in phase I. The third phase, to be completed by 2005, was to result in a permanent status agreement and end the Israeli-Palestinian conflict.¹⁰

Both Israel and the Palestinian Authority immediately accepted the Road Map after its introduction by President Bush in a speech given June 2003; however very shortly thereafter Israel published 14 'reservations'. To date the Road Map has not been implemented and Israel is proceeding with a greater land seizure through the building of the wall/fence and through expanded settlements.

As in the Oslo agreements, the Road Map depended upon the willingness of the parties to negotiate. In fact the text of the Road Map contains the statement: ". . . however, as a performance-based plan, progress will require and depend upon the good faith efforts of the parties, and their compliance with each of the obligations outlined below."¹¹ Because of the unequal status and power of the two parties involved in the conflict, the weaker party is at the mercy of the stronger party – in this case Israel. It has been in Israel's interest to continually negotiate, i.e., have a 'peace process' so that during the negotiations it can continue its land seizure and creation of facts on the ground. It has become abundantly clear to the Palestinians that the Road Map is dead.

10.3.1 The Saudi Plan

A second proposed peace plan for a two state solution was proposed by Abdullah bin Abdul Aziz, the Crown Prince of the Kingdom of Saudi Arabia and approved by the Council of the League of Arab States summit in Beirut in 2002. The statement of the plan is concise and explicit.¹² In summary form, the plan calls for "full Israeli withdrawal from all the Arab territories occupied since June 1967, implementation of Security Council Resolutions 242 and 338, reaffirmed by the Madrid Conference of 1991 and the land for peace principle, and Israel's acceptance of an independent Palestinian State, with East Jerusalem as its capital, in return for the establishment of normal relations in the context of a comprehensive peace with

Israel. It also called for a just solution to the Palestinian Refugee problem in accordance with the UN General Assembly Resolution 194”¹³

According to a March 28, 2007 article which appeared in Ha’aretz¹⁴, Mahmoud Abbas, the President of the Palestinian Authority voted for the plan and Ismail Haniyeh, the democratically elected Prime Minister now in control only in Gaza abstained from the vote but said that he would not oppose the peace plan. The Israeli Ministry of Foreign Affairs declared, “The Arab League initiative is positive in calling for normalization of relations with Israel. However, it contains some problematic aspects as well, such as insistence on a Palestinian ‘right of return’ and a predetermination of the border issues.”¹⁵

To date no agreement has been reached based on either the Road Map or the Saudi Peace Plan. It is in Israel’s interest to continuously negotiate to provide more time for creation of ‘facts on the ground’ while the Palestinians are in disarray and are too weak to be a partner in realistic negotiations. By continuing to ‘exist’, the Palestinians are resisting non-violently to their displacement and the erasure of their culture.

The lives of Palestinians and Israelis are intertwined in many respects. By consulting the maps in Appendix I, it is clear that separating the two peoples will be difficult. There are approximately 500,000 Israelis living in settlements in the West Bank and areas annexed to Jerusalem. If there were to be a two state solution with the 1949 armistice lines for borders, these people would either have to be moved to Israel which would be difficult but not impossible or they could become citizens of the new state of Palestine, a possibility which would very likely be unacceptable to the settlers. Furthermore, Israel depends very heavily on water from the West Bank mountain aquifer and an equitable and just agreement would have to be reached regarding its use. The difficulties are many but not insurmountable if the two parties choose to implement the two-state option; however there is little evidence that Israel is willing to contemplate this choice. On the contrary, the continuing seizure of Palestinian land and construction of settlements all demonstrate Israel’s wish to take all of Palestine. As Saeb Erekat, chief negotiation for the Palestinian authority states”

“If the US Administration cannot compel Israel to halt the construction of settlements, who will believe that it will be able to compel Israel to withdraw to the borders of 4 June 1967, to withdraw from Eastern Jerusalem, and to resolve the issue of the refugees according to the UN resolutions, with Resolution No. 194 at their forefront?”¹⁶

10.4 One State which is Either Bi-national or Secular with Equal Rights for all its Citizens

The pursuit of a two-state solution has continued for many years, at least since the Oslo Accords in 1993. The perception by many is that the Road Map is dead. The Palestinian negotiator, Saeb Erekat, said that the “Palestinians may have to abandon the goal of an independent state if Israel continues to expand settlements and the United States does not stop it.” Palestinians may have to “refocus their attention on the one-state solution where Muslims, Christians and Jews can live as equals”¹⁷ An objection to a one-state solution is the fear that Israel will cease to be a Jewish state. However, Mark Satin, claims that the majority of those proposing a one-state solution do not question Israeli’s right to exist as a Jewish state but rather “they question the *wisdom* of its existing as a specifically Jewish state when Jewish life and culture could be equally well (and arguably more securely and benignly) preserved in that same region in a secular, democratic state that was constitutionally sensitive to the needs of all its peoples”.¹⁸ Palestine, before 1948, was a multicultural society of Christians, Jews and Muslims. Difficult though it may be after so much strife between Palestinians and Israelis, it is imperative for the sake of peace that they strive to live together with respect for each other’s differences.

There have been several suggestions for a one state solution to the Palestine-Israel conflict. One possibility is a bi-national arrangement similar to that existing in Belgium or to a state where each person has an equal vote. Either format would entail enormous adjustments by the Government of Israel and the Palestinian Authority.

At present the Government of Israel has control over its own territory and the occupied territories. It even contests the term 'occupied' and would rather use the term 'disputed'. In other words the Government of Israel rules over all of Mandate Palestine. As Ali Abunimah, a Palestinian-American and editor of the Electronic Intifada, states "the two people[s] are completely interrelated and intertwined on every possible level. . . In reality, Palestine is Israel today and Israel is Palestine"¹⁹ There is already a *de facto* one state in which differing levels of discrimination against both Christians and Muslims exists. The quality of life in Israel for Christians and Muslims, though by no means ideal (see section 5, Israel) is better than in the West Bank, East Jerusalem, and Gaza (see sections 5.2 to 5.4).

There is much that must happen before the emergence of one state with equal rights for all its citizens. The occupation of the West Bank, East Jerusalem, and Gaza must stop; the wall/fence must be removed; freedom of movement throughout the territory previously known as Mandate Palestine must be possible with no highways for Jews only; integration of all schools and neighborhoods must occur; equal employment opportunities must be possible; discriminatory laws against non-orthodox Jews, Christians and Muslims must be abolished; citizens of the state must have the right to purchase land irrespective of their religious affiliation; the state should support religious institutions of all three faiths equally; security for all its citizens must be assured; and safeguards for diversity of ethnic traditions must be in place.²⁰ In other words, all its citizens must enjoy the same human rights. The state would have to be bilingual with both Arabic and Hebrew signage and all legal documents. The issue of what to call the country can be resolved.

The most contentious issue is Israel's Law of Return which at present allows a Jewish person living anywhere outside Israel to immigrate to Israel but does not allow those of Palestinian origins to return to Palestine-Israel. The right of return or compensation must be granted to Palestinians according to UN resolution 194 III and under accepted international laws (See Section II, Right of Return). This right is an individual right and cannot be negotiated away by governments.

The right of return issue is at the heart of the conflict. Israelis see it as a threat to the identity of Israel as a Jewish state and Palestinians, who see the land as an inseparable part of their heritage and culture, see it as a necessary prelude to justice. A country composed of only one religious-ethnic group is an anachronism in the 21st century. Israeli must come to terms with the notion that they can share Mandate Palestine with its indigenous Christian and Muslim people, who have lived there for centuries before the land was colonized in the 20th century by immigrants initially from Europe. Truth telling and acceptance of the other must be the preludes to peace.

11 CONCLUSION

We ended this overview of the Palestine-Israel conflict with a section on the 'Prospects for the Future' by presenting four possible outcomes. The first two options, which are a total dispossession and displacement of the indigenous Palestinians or the present reality with the Palestinians herded into ever shrinking ghettos, are morally and ethically unacceptable. Achieving either of the other two possibilities, two states, both sovereign and independent, or a one state which is either bi-national or secular with equal rights for all its citizens, appear not to be possible at this time. A two stage development where initially there would be two states which would then federate to form a bi-national state also seems unachievable at this time. The huge disparity in power, wealth, and international support enjoyed by Israel leaves them little incentive to change the present status which is a continuing dispossession of the Palestinians.

Sixty two years after the United Nations General Assembly passed the Universal Declaration of Human Rights, which affirms in article 2 that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, *religion*, political or other opinion, national or social origin, property, birth or other status.[emphasis added]",¹ theocratic states in the Middle East which are 'Islamic' or 'Jewish' should be considered as anachronisms in the twenty first century. Such states cannot exist without practicing discrimination against citizens who are of the other faiths than those of the state.

Frequently the criticism aimed at the Palestinians is that they, through their violence, are responsible for their treatment by Israel. The thought is that if they would only use non-violent resistance, then Israel would feel secure and reconciliation would be possible. This accusation is unjust. When one talks with most Palestinians, they will voice their frustration but put their hope in *sumud* – their ability to withstand all their hardships and continue with their lives. They firmly believe that to continue to exist is their way of resisting. They will tell you that time is on their side and that history will repeat itself – meaning that the Israelis, like all previous invaders, eventually will blend with the people of Palestine-Israel and become one with the others. This hope at this time seems unrealistic.

Another example of non-violent resistance is the weekly demonstrations that take place in Bil'in, a village 60% of whose land has been seized for a nearby Israeli settlement and the building of the wall. These demonstrations, supported by Israeli and international peace activists, are regularly met with violence from the Israeli Occupation Forces. Tear gas canisters, rubber bullets, and concussion grenades are used to disperse the demonstrations and raids into Bil'in to arrest and harass the organizers of the demonstrations are also common.² The resolve of the leaders of the demonstrations is evident in the words and actions of Abdallah Abu Rahmah, a member of the Bil'in Popular Committee against the Wall. He was arrested on International Human Rights Day, December 10, 2009, by Israeli occupation forces that raided his house at 2 a.m. in the morning and arrested him in front of his wife and children.³ In a letter from prison, Abu Rahmah declared "whether we are confined in the open-air prison that Gaza has been transformed into, in military prisons in the West Bank, or in our own villages surrounded by the Apartheid Wall, arrests and persecution do not weaken us. They only strengthen our commitment to turning 2010 into a year of liberation through unarmed grassroots resistance to the occupation." "Unlike Israel, we have no nuclear weapons or army, but we do not need them. The justness of our cause earns us your support. No army, no prison and no wall can stop us."⁴

Other forms of non-violent resistance are through the mediums of poetry, literature, and art. One example, the story of Ghassan Kanafani, is portrayed in the section, 4.1.2 Targeted Assassinations. John Halaka, a painter, now professor of Visual Art at San Diego University in California, says this about his work: "My drawings from the series *Landscapes of Desire* are inspired by the ruins of Palestinian villages and homes that were destroyed by Israel during and after the 1948 ethnic cleansing of Palestine. The images enable me to reflect on the unrelenting effort to annihilate a Palestinian culture that refuses to disappear and an indigenous people that refuse to go away. Drawings of the ruins of stone homes from destroyed Palestinian villages such as Kafr Bir'im, Lifta, Al-Bassa, A'mka and Kuikat, are a declaration that in the face of looming cultural annihilation, the persistence of memory is a crucial act of political resistance and cultural survival."

Beginning with their displacement and dispossession from their ancestral lands to the continuing sin of occupation, these pages have presented the suffering of the Palestinian people. In spite of the separation wall and inhuman blockade of Gaza, continued seizure of land by Israeli settlements, daily humiliation at checkpoints, separation between family members, denial of access to holy places of worship, denial of refugees' right of return, imprisonment of thousands including children, discrimination against Palestinian Christian and Muslim citizens of Israel, the continued displacement of Christians and Muslims from Jerusalem, the unwillingness of the international community to insist that Israeli cease violating the human rights of the Palestinian people, the Christian community of Palestine on December 11, 2009 issued The Kairos Palestine Document, "A moment of truth: A word of faith, hope and love from the heart of Palestinian suffering"⁵. In their words is the message of forgiveness and reconciliation.

"We believe in God, one God . . . a good and just God, who loves each one of his creatures."

"Love is the commandment of Christ our Lord to us and it includes both friends and enemies. This must be clear when we find ourselves in circumstances where we must resist evil of whatever kind. Love is seeing the face of God in every human being." "Hope within us means first and foremost our faith in God and secondly our expectation, despite everything, for a better future.

One of the most important signs of hope is the steadfastness of the generations, the belief in the

justice of their cause and the continuity of memory, which does not forget the "Nakba" (catastrophe) and its significance." "Love is the commandment of Christ our Lord to us and it includes both friends and enemies. This must be clear when we find ourselves in circumstances where we must resist evil of whatever kind.

"Our message to the Jews tells them: Even though we have fought one another in the recent past and still struggle today, we are able to love and live together. We can organize our political life, with all its complexity, according to the logic of this love and its power, after ending the occupation and establishing justice."

"In the absence of all hope, we cry out our cry of hope. We believe in God, good and just. We believe that God's goodness will finally triumph over the evil of hate and of death that still persist in our land. We will see here 'a new land' and 'a new human being', capable of rising up in the spirit to love each one of his or her brothers and sisters."⁶

We end this document with a prayer of Cedar Duaybis, a founding member of Sabeel, the Ecumenical Liberation Theology Center, an international peace movement initiated by Palestinian Christians in the Holy Land. The prayer was for our Committee (the Presbyterian Church (USA) Committee on the Middle East), for Palestinians and for Israelis.

We thank you, God, for this time that you have been with us. It has been a privilege to be able to meet with this Committee. We know how much they feel in their hearts for all the people of this land not just for one side. We know that they are very brave to have agreed in the first place to come on this trip knowing how complex this situation is. We know dear God that we belong to one side. We are Palestinian and sometimes we have to get out of our situation and look at it from the outside. So please, dear God, let us remain aware and look at the situation fairly and do your will. We know that all the people in this land have suffered at some time or another and that the only way to move forward is to make their problem ours and for them to make our problem theirs. We need to look at this way to try and solve the problem of the Jewish people and for them to take our problem and even try to solve ours. Lead us, dear God, in that way because it is the only way that will lead to peace. Help us to see that this land though very small can take both peoples. We know how much you love this land; we know how much we love this land; we know how much the Jewish people love this land. Help us, God, to work through our love so that we can all remain in this land and live peacefully together. Dear God lead this Study Group to the right decisions. Give them the courage, I know they are courageous, to do the right thing and leave the rest in your hands – your loving hands – so that we can come even one step closer to a peaceful solution for this very long and very painful conflict. Dear God, help all the leaders of this land to make the right decisions to do your will and help the people of this land to reach a peaceful, livable viable solution that will be to the good of all. In your name we ask it. Amen.⁷

Endnotes

2 PALESTINE

- ¹ The Palestine Mandate document can be accessed at http://avalon.law.yale.edu/20th_century/palmanda.asp.
- ² The Covenant of the League of Nations can be accessed at http://avalon.law.yale.edu/20th_century/leagcov.asp.
- ³ Letter dated November 2, 1917, from Arthur James Balfour, the British Foreign Secretary, addressed to Lord Rothschild, a leader of the Jewish community in Britain, which became known as the Balfour Declaration, accessed December 1, 2009 at http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682961.stm.
- ⁴ Khalidi, Rashid. *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press, Boston 2006, p.32.
- ⁵ Justin McCarthy. *The Population of Palestine*, 1990 Population Statistics. Retrieved December 1, 2009 from <http://israelipalestinian.procon.org/viewresource.asp?resourceID=000636>.
- ⁶ Woodrow Wilson's Fourteen Points can be accessed at http://avalon.law.yale.edu/20th_century/wilson14.asp.
- ⁷ Khalidi, Rashid. *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press, Boston 2006, p.33.
- ⁸ Ibid., p33.
- ⁹ Population of Ottoman and Mandate Palestine, Statistical and Demographic Considerations. Table 3. This information can be accessed at <http://www.mideastweb.org/palpop.htm>.
- ¹⁰ Khalidi, Rashid. *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press, Boston 2006, p 35.
- ¹¹ Lilienthal, Alfred. *What Price Israel?* Henry Regnery Co., Chicago, 1953, pp 48-73.
- ¹² Ibid. pp 48-73.
- ¹³ "Article 73 – UN charter
Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end: ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses; . . ."
- ¹⁴ UN General Assembly's Declaration on the Principles of International Law concerning the Friendly Relations and Cooperation among States: The principle of equal rights and self-determination of people:
By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.
- ¹⁵ Doebbler, Curtis. Palestine's right to statehood and what it means. Al-Ahram, 26 November - 2 December 2009. Issue No. 974. Accessed December 1, 2009 at <http://weekly.ahram.org.eg/2009/974/op11.htm>
- ¹⁶ The partition document, Resolutions 181, can be accessed at http://avalon.law.yale.edu/20th_century/res181.asp.
- ¹⁷ Ibid.
- ¹⁸ Esber, Rosemarie M. *Under the Cover of War: The Zionist Expulsion of the Palestinians*. Arabicus Books & Media. 2008.
- ¹⁹ Knesset speech, May 17, 1961, in *The Times*, May 18, 1961, p12.
- ²⁰ Palestine, Israel and the Arab-Israeli Conflict Accessed December 2, 2009 at http://www.merip.org/palestine-israel_primer/un-partition-plan-pal-isr.html
Esber, Rosemarie M. *Under the Cover of War: The Zionist Expulsion of the Palestinians*. Arabicus Books & Media. 2008.
Khalidi, Rashid. *The Iron Cage: The Story of the Palestinian Struggle for Statehood*. Beacon Press, Boston 2006
Masalha, Nur. *A Land without a People: Israel, Transfer and the Palestinians 1949-96*. Faber and Faber. 1997.

[Quigley, John. *Palestine and Israel: A Challenge to Justice*. Duke University Press, Durham and London, 1990, pp82-86.

Pappe, Ilan. *The Ethnic Cleansing of Palestine*. Oneworld, Oxford. 2006, p287.

²¹ Pappe, Ilan. *The Ethnic Cleansing of Palestine*. Oneworld, Oxford. 2006, p287.

²² Ibid., p 287.

²³ Pappe, Ilan. *A History of Modern Palestine: One Land, Two Peoples*. Cambridge University Press, 2004, p139.

²⁴ United Nations Security Council Resolution 242 can be accessed at <http://www.yale.edu/lawweb/avalon/un/un242.htm>

3 REFUGEES

¹ Leviticus 25:13, New International Version.

² United Nations Declaration of Human Rights can be accessed on the internet at: <http://www.un.org/en/documents/udhr/>.

³ UN GA Resolution 194(III) can be accessed on the internet at <http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>

⁴ International Covenant on Civil and Political Rights issued by Office of the United Nations High Commissioner for Human Rights can be accessed on the internet at: Accessed at: <http://www2.ohchr.org/english/law/ccpr.htm>.

⁵ Benvenisti, Eyal. *Palestine - Israel Journal of Politics, Economics & Culture*, 2008, Vol. 15/16 Issue 4/1, p44-46, 3p; (AN 42842710)

⁶ Sitta, Salman Abu. *Palestine - Israel Journal of Politics, Economics & Culture*, 2008, Vol. 15/16 Issue 4/1, p23-30, 8p; (AN 42842708).

⁷ By: Weaver, Alain Epp. *Right of Return*. *Christian Century*, 00095281, 05/02/2001, Vol. 118, Issue 14

⁸ Quigley, John. *Displaced Palestinians and a Right of Return*. *Harvard International Law Journal*, Winter, 1998, 39 *Harv. Int'l L.J.* 17.

⁹ *Progress Report of the United Nations Mediator on Palestine*, *supra* note 37, at 14.

Quigley, John. *Displaced Palestinians and a Right of Return*. *Harvard International Law Journal*, Winter, 1998, 39 *Harv. Int'l L.J.* 17, p 28.

¹⁰ Schoenberg, Shira. *The Assassination of Count Bernadotte*. *The Jewish Virtual Library*, a Division of the American Israeli Cooperative Enterprise. This article can be accessed at: <http://www.jewishvirtuallibrary.org/jsource/History/folke.html>.

Also see Sulzberger CL. *Stern Group Threatened Slaying; It Boasts a Record of Terrorism*. *The New York Times*, September 18, 1948.

¹¹ Hammer MF, Redd AJ, Wood ET, Bonner MR, Jarjanazi H, Karafet T, Santachiara-Benerecetti S, Oppenheim A, Jobling MA, Jenkins T, Ostrer H, Bonne-Tamir B, *Proceedings Of The National Academy Of Sciences Of The United States Of America* [*Proc Natl Acad Sci U S A*], ISSN: 0027-8424, 2000 Jun 6; Vol. 97 (12), pp. 6769-74; PMID: 10801975

¹² Morton NE, Kenett R, Yee S, and Lew R. *Bioassay of Kinship in Populations of the Middle Eastern Origin and Controls*. *Current Anthropology* Vol 23, No. 2, April 1982 pp 157-167.

¹³ Israeli Ministry of Foreign Affairs. *The Middle East Refugees*. January 27, 1992. This report can be accessed on the internet at <http://www.mfa.gov.il/MFA/Archive/Peace%20Process/1992/THE%20MIDDLE%20EAST%20REFUGEES%20-%20Jan-92>

¹⁴ Palestinian Central Bureau of Statistics, 2008. *Palestine in Figures 2007*. Ramallah – Palestine.

¹⁵ UNRWA web site can be accessed at <http://www.un.org/unrwa/refugees/index.html>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

4 FAILED PEACE PROCESS AND ITS CONSEQUENCES

¹ UN Security Council Resolution 242 can be accessed at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/240/94/IMG/NR024094.pdf?OpenElement>.

² UN Security Council Resolution 338 can be accessed at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/288/65/IMG/NR028865.pdf?OpenElement>.

³ The Israel-Palestine Liberation Organization Agreement: 1992 also known as the Oslo Accords Declaration of Principles can be accessed at http://avalon.law.yale.edu/20th_century/isrplo.asp.

⁴ See the 2010 PASSIA Calendar which contains a chronological review up to 2008. A historical chronological review of events from January 1, 1991 to 2006 also appears in the PASSIA website which can be accessed at <http://www.passia.org>.

⁵ Abdul-Hadi, Mahdi. Does The Peace Process Matter and, if so, why? PASSIA. July, 1998.

⁶ Shehadeh, Raja. Palestinian Walks: Forays into a Vanishing Landscape. Scribner, New York, 2008, pp 41-97.

⁷ Amnesty International 2009 Human Rights Report can be accessed at: <http://www.amnesty.org/en/region/israel-occupied-territories/report-2009#>

⁸ Palestine Academic Society for the Study of International Affairs (PASSIA), Jerusalem Historical Chronology can be accessed at <http://www.passia.org/>.

⁹ Ibid.

¹⁰ BBC News accessed at http://news.bbc.co.uk/2/hi/middle_east/1511739.stm.

¹¹ CNN.com/WORLD Rehavam Ze'evi: A controversial figure, August 28, 2002. Story accessed at <http://archives.cnn.com/2001/WORLD/meast/10/17/israel.zeevi.profile/?related>.

¹² B'Tselem Fatality Statistics for the period from 9/29/2000 to 12/26/2008. Data can be accessed at: <http://www.btselem.org/English/Statistics/Casualties.asp>.

¹³ B'Tselem. On Human Rights in the Al-Aqsa Intifada, June 2001.

¹⁴ This work can be read in its entirety along with selected other works of Kanafani at <http://www.ghassankanafani.com/indexen.html>.

¹⁵ Ministry of Foreign Affairs web site can be accessed at <http://www.mfa.gov.il/MFA/>.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Peled-Elhanan. Women. Speech made on International Women's Day at the European Parliament in Strasbourg on August 3, 2005. Can be accessed on the web at <http://www.miftah.org/display.cfm?DocId=8003&CategoryId=18>

¹⁹ Harrison, Rebecca. Hope, pain in film about Palestinian organ donor. Reuters, July 14, 2008. The article can be accessed on the web at <http://www.reuters.com/article/latestCrisis/idUSL14543060>.

²⁰ Ibid.

5 PRESENT DAY OCCUPATION

¹ Israeli Central Bureau of Statistics, Statistical Abstracts of Israel 2009 No. 60, Table 2.1 (by group) and Table 2.2 by Religions.

² A more accurate figure of the depopulated Palestinian villages was given in *All that Remains: Depopulated and Destroyed Arab Villages* (Washington DC: Institute for Palestine Studies, 1992), which documents in detail the destruction of 418 villages – as quoted in *The Politics of Denial: Israel and the Palestinian Refugee Problem* by Nur Masalha, Pluto Press, London, 2003.p140.

³ Peretz, Don, *Israel and the Arab Refugees*, 1954 Ph. D. Thesis, Vol. II, Chapter VIII, pp231-3 as quoted in *The Politics of Denial: Israel and the Palestinian Refugee Problem* by Nur Masalha, Pluto Press, London, 2003.p135.

⁴ Ibid.

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- ⁵ Masalha, Nur. *The Politics of Denial: Israel and the Palestinians Refugee Problem*. Pluto Press, London, 2003, p143.
- ⁶ *The First Israelis*. New York: Henry Holt, 1986, pp.80-81.)
- ⁷ Adalah can be accessed at <http://www.adalah.org>.
- ⁸ *The First Israelis*. New York: Henry Holt, 1986, pp.80-81.)
- ⁹ The report can be accessed at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm>.
- ¹⁰ Adalah. The Palestinian Minority in the Israeli Legal System, <http://www.adalah.org/eng/backgroundlegalsystem.php>
- ¹¹ U. S. Department 2008 Report on Human Rights in Israel.
- ¹² Human Rights Watch Report on Education in Israel, 2002
- ¹³ Ibid.
- ¹⁴ Abu-Saad, Ismael. Present Absentees: The Arab School Curriculum in Israel as a Tool for De-educating Indigenous Palestinians. Project MUSE: Holy Land Studies Volume 7, Page 17-43 DOI 10.3366/E147494750800005X, ISSN 1474-9475, Available Online May 2008 .
- ¹⁵ Adalah. 'Institutionalized Discrimination Against Palestinian Citizens of Israel' report to the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, issued August/September 2001. This report can be accessed at: <http://www.adalah.org/eng/backgroundlegalsystem.php>.
- ¹⁶ U S State Department, Bureau of Democracy, Human Rights, and Labor. International Religious Freedom Report 2009 for Israel and the occupied territories.. October 26, 2009. This report can be accessed at <http://www.state.gov/g/drl/rls/irf/2009/127349.htm>.
- ¹⁷ Ibid.
- ¹⁸ Halper, Jeff, *Obstacles to Peace: A Reframing of the Palestinian-Israeli Conflict* (Third edition, Jerusalem: Palestine Mapping Center, 2005). (Hereafter cited as Halper *Obstacles to Peace*) Equally helpful has been Neve Gordon, *Israel's Occupation*, (Los Angeles: University of California Press, 2008) (Hereafter cited as Neve Gordon *Israel's Occupation*.)
- ¹⁹ Many of the elements of our study of the occupation in the West Bank and East Jerusalem as a matrix of separation are deeply indebted to the concepts and ideas of Halper and Neve Gordon.
- ²⁰ One of the most comprehensive studies of the Israeli occupation as a "matrix of separation" is a study from the UN's Office for the Coordination of Humanitarian Affairs Occupied Palestinian Territory, entitled *The Humanitarian Impact on Palestinians of Israeli Settlements and other Infrastructure in the West Bank*. It may be accessed at: www.ochaopt.org/Documents/TheHumanitarianImpactOfIsraeliInfrastructureTheWestBank_full.pdf. (Hereafter cited as OCHAOPT HIP.)
- ²¹ See Neve Gordon, *Israel's Occupation*, pp. 197, 282.
- ²² Neve Gordon describes what the separation principle comprises in *Ibid*, pp. 199-201, and sets forth all that is involved in the last chapter of his book, pp. 197-222. And in their book *Lords of the Land: The War over Israel's Settlements in the Occupied Territories, 1967-2007* (New York: Nation Books, 2007), Zertal and Eldar report at length on Ariel Sharon's frequent assertions that he planned a series of "cantons" or "bantustans" for the Palestinians.
- ²³ *A Civilian Occupation: The Politics of Israeli Architecture*. Edited by Rafi Segal and Eyal Wizman, Babel Publishers, 2003, p152.
- ²⁴ Yehezkel Lein, *Land Grab: Israel's Settlement Policy in the West Bank* (Jerusalem: B'Tselem, 2002), p. 17.
- ²⁵ B'Tselem 2008 Annual Report: Human Rights in the Occupied Territories. Can be accessed at http://www.btselem.org/download/200712_annual_report_eng.pdf.
- ²⁶ *Human Rights in the Occupied Territories, 2008 Annual Report*, p. 15 (italic comment added).
- ²⁷ See *Hollow Land: Israel's Architecture of Occupation* (London: Verso Books, 2007), p. 81
- ²⁸ For a brief description, see OCHAOPT HIP, p. 62. On the history of their development, Neve Gordon *Israel's Occupation*, pp. 131-132.
- ²⁹ Halper, *Obstacles to Peace*, p. 12.

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- ³⁰ For a brief description, see OCHAOPT HIP, pp. 58-60.
- ³¹ For a concise description of this system and its implications for the Palestinians, see OCHAOPT HIP, pp. 58-60. Most Palestinians are forbidden to use them without a permit, for which see Yehezkel Lein, *Forbidden Roads: The Discriminatory West Bank Road Regime*. B'Tselem, August 2004. It may be accessed at www.btselem.org/Download/200408_Forbidden_Roads_Eng.doc.
- ³² OCHAOPT HIP, p. 48.
- ³³ Ibid
- ³⁴ The difficulties of those who live in the seam zone and near the Wall are becoming extreme, see Ibid, pp.110-111. For the situation in the village of Jayyus, northeast of the city of Qalqilya, see Ibid, pp. 112-113.
- ³⁵ Ibid, p. 50.
- ³⁶ Ibid, p. 48.
- ³⁷ International Court of Law. "Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory". The Hague. July 9, 2004. The press release can be accessed at <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>.
- ³⁸ See Halper *Obstacles to Peace*, pp. 32-44.
- ³⁹ See Yuval Ginbar, *Demolishing Peace: Israel's policy of mass demolition of Palestinian Houses in the West Bank*, B'Tselem, 1997. The study can be accessed at www.btselem.org/download/199709_demolishing_peace_Eng.rtf
- ⁴⁰ *Israel's Occupation*, footnote 56, p. 273.
- ⁴¹ *Obstacles to Peace*, pp. 33-35.
- ⁴² have been destroyed during military clearing operations, see Ibid, pp. 34-36.
- ⁴³ Ibid, p. 42. Halper includes a discussion of the human cost on pp. 36-38, including a widely-publicized example, the case of the Shawamreh home in Anata near Jerusalem, pp. 45-60.
- ⁴⁴ For a discussion of closure during the Oslo Period, see Neve Gordon *Israel's Occupation*, pp. 184-187.
- ⁴⁵ The "checkpoints" at the exits through the Wall between East Jerusalem and the West Bank, such as for Ramallah in the north or Bethlehem in the south are far more like border crossings than what the term "checkpoint" suggests, costing many millions of dollars.
- ⁴⁶ All of these are described in some detail with pictures in OCHAOPT HIP, pp. 64-65. Detailed descriptions and pictures can be found in the following power point presentation from the Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories: www.ochaopt.org/documents/OCHA_Closures.pps
- ⁴⁷ B'Tselem published an early detailed study of this issue, entitled "Forbidden Roads: The Discriminatory West Bank Road Regime, August 2004." It may be accessed at www.btselem.org/Download/200408_Forbidden_Roads_Eng.doc.
- ⁴⁸ For a succinct report on this secondary road system, see OCHAOPT HIP, pp. 68-72.
- ⁴⁹ Neve Gordon *Israel's Occupation*, p. 220.
- ⁵⁰ *Palestine Central Bureau of Statistics: Poverty and Living Conditions in Palestinian Territory, 2007*.
- ⁵¹ Neve Gordon states that the mountain aquifer supplies 40 percent of Israel's farming needs and almost 50 percent of its drinking water, *Neve Gordon Israel's Occupation*, p. 127.
- ⁵² Weizman, Eyal, *Hollow Land* (see footnote 12), p. 19.
- ⁵³ The Applied Research Institute – Jerusalem. *Water – A question of survival for Palestinians*, October 7, 2009. This report can be accessed at http://www.poica.org/editor/case_studies/view.php?recordID=2145
- ⁵⁴ Tagarm Zegartam Qynsueg, Violet. *A Seeping Time Bomb: Pollution of the Mountain Aquifer by Solid Waste*. Friends of the Earth Nuddke East, 2006.
- ⁵⁵ World Bank, *Economic Effects of Restricted Access to Land in the West Bank*, Report October, 2008 by the World Bank.
- ⁵⁶ Amnesty International. *The day the bulldozers came*, October 27, 2009. Story can be accessed on the web at: <http://www.amnesty.org/en/news-and-updates/day-bulldozers-came-20091027>.

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- ⁵⁷ Shehadeh, Raja. *Palestinian Walks: Forays into a Vanishing Landscape*. Scribner, New York, 2007, p1636.
- ⁵⁸ Christison, Kathleen and Bill. *Palestine in Pieces: Graphic perspectives on the Israeli Occupation*. Pluto Press, 2009, p112.
- ⁵⁹ Hari, Johann. Israel is suppressing a secret it must face. *The Independent*, April 28, 2008.
- ⁶⁰ United Nations Standing Committee on Nutrition, May 31, 2007.
- ⁶¹ World Bank; *The Economic Effects of Restricted Access to Land in the West Bank*, 2008.
- ⁶² Dalrymple, William. *From the Holy Mountain: A Journey Among the Christians of the Middle East*, Henry Holt and Company, New York, 1997, p333.
- ⁶³ Ibid. p333.
- ⁶⁴ Ibid. p332.
- ⁶⁵ PASSIA Chronology for 2004 which can be accessed at <http://www.passia.org>.
- ⁶⁶ Neve Gordon *Israel's Occupation*, pp. 4-5; footnote 13, pp. 235-236. See also OCHA OPT HIP, p. 78.
- ⁶⁷ Knesset's Basic Law: Jerusalem, Capital of Israel. Text of the law can be accessed at http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm. The law was passed on July 30, 1980.
- ⁶⁸ The report can be accessed at: www.btselem.org/Download/200812_Annual_Report_Eng.pdf.
- ⁶⁹ The study may be accessed at: www.btselem.org/199505_Policy_of_Discrimination_Eng.doc
- ⁷⁰ The report may be accessed at www.btselem.org/200812_2008_Annual_Report_Eng.pdf
- ⁷¹ See *Jerusalem: Israeli Settlement Activities & Related Policies*, (Jerusalem: Palestinian Academic Society for the Study of International Affairs, June, 2009), p. 21. The study is produced by the Palestinian Academic Society for the Study of International Affairs, and is available at www.PASSIA.org.
- ⁷² Meir Margalit, *No Place Like Home: Home Demolitions in East Jerusalem* (Jerusalem: ICAHAD, 2007), p. 7
- ⁷³ Two of these are the fastest growing of all the Israeli settlements, see OCHA OPT HIP, p. 24.
- ⁷⁴ For a brief discussion of the Ma'aleh Adumim block and its significance, see OCHA OPT HIP, p. 26.
- ⁷⁵ A full discussion of Ma'aleh Adumim and all that it involves see the study *Jerusalem: Israeli Settlement Activities and Related Policies*, p. 19
- ⁷⁶ Ibid.
- ⁷⁷ UNRWA web site can be accessed at <http://www.un.org/unrwa/refugees/index.html>.
- ⁷⁸ (see <http://electronicintifada.net>)
- ⁷⁹ Smooha, Shahar. 'All the dreams we had are now gone'. *Ha'aretz* 7/21/2007. The article can be accessed at <http://www.haaretz.com/hasen/spages/884018.html#resp>
- ⁸⁰ To access the monitor, go to: www.ochaopt.org. Click on "Report Centre" at the top left. When the Report Centre opens, choose "The Humanitarian Monitor" under "sort by type" on the left, and scroll down to the report you wish.)
- ⁸¹ See www.transnational.org/Area_MiddleEast/2009/Falk_GazaStatement_9.01.09.html.
- ⁸² See www.guardian.co.uk/commentisfree/2008/jan/23/gazaexplodes.
- ⁸³ See: www.hindu.com/2002/12/10/stories/2002121004291200.htm
- ⁸⁴ On these conditions see Jimmy Carter, "An Unnecessary War," *The Washington Post*, Thursday, January 8, 2009; p. A15. See: www.washingtonpost.com/wp-dyn/content/article/2009/01/07/AR2009010702645.html)
- ⁸⁵ See www.israelpolitik.org/wp-content/uploads/2008/12/gaza_fact_sheet.pdf. The evidence is also dealt with in an article published on the Huffington Post Blog, click on www.huffingtonpost.com/nancy-kanwisher/reigniting-violence-how-d_b_155611.html, from which this chart is taken
- ⁸⁶ The October, 2008 UN Humanitarian Monitor for the Occupied Palestinian Territories can be accessed at http://www.ochaopt.org/documents/ocha_opt_humanitarian_monitor_table_2008_09_english.pdf.
- ⁸⁷ The October, 2008 UN Humanitarian Monitor for the Occupied Palestinian Territories can be accessed at http://www.ochaopt.org/documents/ocha_opt_humanitarian_monitor_2008_11_1_english.pdf.
- ⁸⁸ Roy, Sara. If Gaza falls. *London Review of Books*, Vol. 31 No. 1 · 1 January 2009, page 26.

⁸⁹ Falk, Richard, UN's Special Rapporteur For The Occupied Palestinian Territories. Statement of special rapporteur for the Palestinian Territories occupied since 1967 for presentation to the special session of the Human Rights Council on the situation in the Gaza strip, 9 JANUARY 2009. The report can be accessed at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8370&LangID=E>.

⁹⁰ Keinon, Herb and Paz Shelly. Jerusalem Post. "Diskin: Hamas wants calm, but under better conditions". December 22, 2008. Can be accessed at <http://www.encyclopedia.com/doc/1P1-159546297.html>.

⁹¹ This report can be accessed at <http://www.amnesty.org/en/library/asset/MDE15/002/2010/en/c8e6742a-b52a-4c70-b641-986de2db878a/mde150022010en.pdf>.

⁹² Human Rights Council, Twelfth Session, Agenda item 7. "Human Rights in Palestine and Other Occupied Arab Territories" Report of the United Nations Fact Finding Mission on the Gaza Conflict. A/HRC/12/48, 15 September 2009.

⁹³ Ibid.

⁹⁴ Ibid.

⁹⁵ Ibid.

6 PALESTINIAN AUTHORITY

¹ Pierre Tristam. Palestine National Council in 'About.com Guide'.

² Palestinian Academic Society for the Study of International Affairs – Jerusalem, 'Government and Administration' can be accessed at the PASSIA web site, http://www.passia.org/palestine_facts/pdf/pdf2009/Govt.pdf

³ Ibid.

⁴ ADDAMEER (*Arabic for conscience*) Prisoners Support and Human Rights Association is a Palestinian non-governmental, civil institution which focuses on human rights issues. The report cited can be found at <http://addameer.info/?p=503>.

⁵ B'Tselem. Report can be accessed at http://www.btselem.org/english/special/20070801_Detention_of_Palestinian_Government_Seniors.asp

⁶ BBC world news. Can be accessed at <http://news.bbc.co.uk/2/hi/8235306.stm>

⁷ Human Rights Council, Twelfth Session, Agenda item 7. "Human Rights in Palestine and Other Occupied Arab Territories" Report of the United Nations Fact Finding Mission on the Gaza Conflict. A/HRC/12/48, 15 September 2009.

⁸ U. S. 2088 Human Rights Report: Israel and the occupied territories. The report can be accessed at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm>.

⁹ Palestinian Academic Society for the Study of International Affairs – Jerusalem (PASSIA), 'Government and Administration' can be accessed at the PASSIA web site, http://www.passia.org/palestine_facts/pdf/pdf2009/Govt.pdf.

¹⁰ For a draft of the Palestinian Constitution see <http://www.mopic.gov.ps/constitution/index.asp>.

¹¹ PASSIA time line http://www.passia.org/Historical_Facts_Palestine_Chronology

¹² Palestinian Academic Society for the Study of International Affairs – Jerusalem (PASSIA), 'Government and Administration' can be accessed at the PASSIA web site, http://www.passia.org/palestine_facts/pdf/pdf2009/Govt.pdf.

¹³ U. S. 2088 Human Rights Report: Israel and the occupied territories. The report can be accessed at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm>.

¹⁴ B'Tselem Fatalities. Report can be accessed at <http://www.btselem.org/english/statistics/Casualties.asp>.

¹⁵ Palestine Human Rights Monitoring Group; <http://www.phrmg.org/>.

¹⁶ B'Tselem. "Statistics on the death penalty in the Palestinian Authority". The report can be accessed at http://www.btselem.org/english/Inter_Palestinian_Violations/Death_Penalty_statistics.asp

7 LAW IN OCCUPIED PALESTINIAN TERRITORIES

¹ For extensive coverage of Israel's military rule over the OPT, see Gordon, Neve, *Israel's Occupation* (Los Angeles: University of California Press, 2008), pp. 26-30 (hereafter, Neve Gordon *IO*); and Zertal, Idith and Eldar, Akiva, *Lords*

of the Land: The War Over Israel's Settlements in the Occupied Territories, 1967-2007 (New York: Nation Books, 2007), pp. 335-341 (hereafter Zertal and Eldar *LOL*).

² *Ibid.*

³ *Ibid.*

⁴ The interpretation was argued and presented to the Israeli government by the military advocate general, Colonel Meir Shamgar, immediately following the War. Shamgar set forth the grounds for his interpretation in 1971 when he had become Israel's Attorney General. See Lein, *Land Grab: Israel's Settlement Policy in the West Bank* (B'Tselem, 2002), p. 37, footnote 48.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Neve Gordon, Neve, *Israel's Occupation* (Los Angeles: University of California Press, 2008), p27.

⁸ Volumes of them have been published in Hebrew. See Neve Gordon *IO*, p. 246, footnote 39.

⁹ In an article in the October 28, 2007 edition of *The Atlanta Journal-Constitution*, entitled "Israel's Military Court System Is the Model to Avoid," Lisa Hajjar wrote as follows:

Imprisonment has been one of the key strategies of Israeli control of the Palestinian population, and since 1967 more than half a million Palestinians were prosecuted through military courts that fall far short of international standards of due process.

Most convictions are based on coerced confessions, and for decades Israeli interrogation tactics have entailed the use of torture and ill-treatment. Tens of thousands more Palestinians were never prosecuted, but were instead held in administrative detention for months or years. . . .

In addition to the reliance on coercive interrogation to produce confessions and to justify continued detention, prisoners in Israeli custody can be held incommunicado for protracted periods, and lawyers face onerous obstacles in meeting with their clients.

While it is true that detainees are brought before an Israeli military judge at some point, this process is hardly impartial. Such hearings tend to be used to extend detention and often take place in interrogation facilities, not courts. Detainees are rarely represented by lawyers or apprised of their rights, including a right to complain about abuse or to assert innocence. Failure to assert innocence at this hearing can be used as evidence of guilt.

Any information, including hearsay and tortured accounts from other prisoners, can be used to convict or administratively detain Palestinians.

For further information on the failure of the Israeli military court system to meet international standards of due process, see the report by Addameer (the Palestinian Prisoners' Support and Human Rights Association), entitled "The Israeli Military System." It may be access at: <http://addameer.info/?p=498>.

¹⁰ Neve Gordon describes the permit system in considerable detail, see *IO*, pp. 33-42.

¹¹ *IO*, p. 28. For a concise and helpful discussion of the two different legal systems that govern Israeli citizens and Palestinians in the OPT, see Zertal and Eldar *LOL*, pp. 371-375 and Lein *Land Grab: Israel's Settlement Policy in the West Bank* (B'Tselem, 2002), pp. 65-67.

¹² *IO*, p. 28.

¹³ The Universal Declaration of Human Rights text can be accessed at <http://www.un.org/en/documents/udhr/>.

¹⁴ B'Tselem 2007 Annual Report on Human Rights in the Occupied Territories. The report can be accessed at http://www.btselem.org/download/200712_annual_report_eng.pdf.

¹⁵ U S Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2008 Country Reports on Human Rights Practices, February 25, 2009. Report can be accessed at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm>.

¹⁶ B'Tselem 2007 Annual Report on Human Rights in the Occupied Territories. The report can be accessed at http://www.btselem.org/download/200712_annual_report_eng.pdf.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

8 SUPPORT FOR ISRAEL

¹ McArthur, Shirl. A Conservative Estimate of Total Direct U.S. Aid to Israel: Almost \$114 Billion. Washington Report on Middle East Affairs, November 2008, pp 10-11. The article can also be accessed at: <http://wrmea.org/component/content/article/245-2008-november/3845-congress-watch-a-conservative-estimate-of-total-direct-us-aid-to-israel-almost-114-billion.html>.

² Ibid.

³ Stauffer, Thomas R. The Costs to American Taxpayers of the Israeli-Palestinian Conflict: \$3 Trillion. Washington Report on Middle East Affairs, June 2003, pp 20-23. This report can also be accessed at: <http://wrmea.com/archives/june2003/0306020.html>.

⁴ U. S. Congressional Research Service Report for Congress: U. S. Foreign Aid to the Palestinians, Order Code RS22370 updated October 9, 2007, p 4.

⁵ Facts Book: Department of Defense, Security Assistance Agency, September 30, 2005. Key: FMS, Foreign Military Sales; DCS, Direct Commercial Sales.

Congressional Budget Justification for Foreign Operations, Fiscal Years 2001-2007. Key: FMF, Foreign Military Financing (direct military aid); ESF, Economic Support Fund (open-ended monetary assistance that can be used to offset military spending and arms purchases; Supplementals are special one-time grants meant as a complement to already allocated aid; NADR-ATA, Nonproliferation, Anti-Terrorism, Demining, & Related Programs.

⁶ Frida Berrigan, "Who's Arming Israel?" (Washington, DC: Foreign Policy In Focus, July 26, 2006).

⁷ Hartung, William D and Berrigan, Frida. An Arms Trade Resource Center Fact Sheet. Arms Trade Resource Center, May 6, 2002. The report can be accessed at: <http://www.worldpolicy.org/projects/arms/reports/israel050602.html>.

⁸ U. S. Congressional Research Service Report for Congress: U. S. Foreign Aid to the Palestinians, Order Code RS22370 updated October 9, 2007, p 4.

⁹ Data from the United Nations. Compiled by Sydney D. Bailey and Sam Daws "The Procedure of the UN Security Council", 3rd Edition, Clarendon Press, Oxford, 1998. The report can be accessed at: <http://www.globalpolicy.org/security-council/tables-and-charts-on-the-security-council-0-82/subjects-of-un-security-council-vetoes.html>.

9 CHRISTIAN PRESENCE

¹ Presbyterian Church (U.S.A.). Christian Presence in Israel and Palestine, Resource Sheet 5 of 27: Developed February 2005, updated March 2006 www.pcusa.org/worldwide/israelpalestine/resources.htm.

² Christians in the Middle East, BBC News, Last Updated: Thursday, 15 December 2005. Can be accessed at http://news.bbc.co.uk/2/hi/middle_east/4499668.stm. Data sources were: World Christian Database, Al-Nahar (a major Lebanese national daily newspaper), the Government of Israel, US State Department reports on religious freedom; CIA World Factbook, the UN Special Representative for Iran; UNDP, the World Bank, Egyptian government, the Palestinian Authority, the Government of Jordan, and the Government of Iran.

³ Population of Ottoman and Mandate Palestine, Statistical and Demographic Considerations. Table 3. This information can be accessed at <http://www.mideastweb.org/palpop.htm>.

⁴ Sabella, Bernard. Palestinian Christians: Historical Demographic Developments, Current Politics and Attitudes Towards Church, Society and Human Rights published in The Sabeel Survey on Palestinian Christians in the West Bank and Israel, Summer 2006, p 43.

⁵ Source: Esco Foundation (1947).

a. Exclusive of members of His Majesty's Forces (Great Britain).

b. Adapted from table, "Estimated Population of Palestine," Statistical Abstract of Palestine 1943, p. 2.

⁶ Soudah' Romell. Christians in the Holy Land: Across the Political and Economic Divide. The Sabeel Survey on Palestinian Christians in the West Bank and Israel, 2006.

⁷ Khoury, Samia. Member of the board of Sabeel. Personal communication.

⁸ European Institute for Research on Mediterranean and Euro-Arab Cooperation with the support of the Belgian Federal Public Service of Foreign Affairs. Palestinian Legislative Council. This article can be accessed at <http://www.medeia.be/index.html?page=2&lang=en&doc=45>.

⁹ El Hassan Bin Talal. Christianity in the Arab World, Royal Institute for Interfaith Studies. Published by Arabesque Int., 1995.

¹⁰ European Institute for Research on Mediterranean and Euro-Arab Cooperation with the support of the Belgian Federal Public Service of Foreign Affairs. Christian Churches in the Near and Middle East. This article can be accessed at <http://www.medeia.be/index.html?page=2&lang=en&doc=344>.

¹¹ Ibid.

10 PROSPECTS FOR THE FUTURE

¹ Masalha, Nur. The Politics of Denial: Israel and the Palestinian Refugee Problem. Pluto Press, London, 2003.

² Ibid., pg 12.

³ Ibid., pg 17.

⁴ Ibid., see pages 17 to 41.

⁵ Morris, Benny, 'Operation Dani and the Palestinian Exodus from Lydda and Ramle in 1948' *Middle East Journal* 40, no. 1 (Winter 1986), p 91 as reported in Masalha, Nur. The Politics of Denial: Israel and the Palestinian Refugee Problem. Pluto Press, London, 2003, p29.

⁶ Morris, Benny. *1948 and After*, Oxford University Press, 1994, p2 as reported in Masalha, Nur. The Politics of Denial: Israel and the Palestinian Refugee Problem. Pluto Press, London, 2003, p30.

⁷ Robinson, Shira. Local Struggle, National Struggle: Palestinian Responses to the Kafr Qasim Massacre and its Aftermath, 1956-66. *International Journal of Middle East Studies*, Vol. 35, No. 3, Special Issue: Commemorating the 1873 War (Aug., 2003), pp 393-416.

⁸ Halaby, Samia. From the web site memorializing the 50th anniversary of the Kafr Qasim massacre. The web address is: <http://www.art.net/~samia/Fiftieth/ninth.html>.

⁹ Shira Robinson, Local struggle, national struggle: Palestinian responses to the Kafr Qasim massacre and its aftermath, 1956 – 66, *International Journal of Middle East Studies*, vol 35 (2003), 393–416.

¹⁰ The Road Map. Full text can be accessed at: <http://news.bbc.co.uk/2/hi/2989783.stm>.

¹¹ Ibid.

¹² The Saudi Peace Plan of 2002. The full text can be accessed at: http://news.bbc.co.uk/2/hi/middle_east/1844214.stm

- Emanating from the conviction of the Arab countries that a military solution to the conflict will not achieve peace or provide security for the parties, the council:

1. Requests Israel to reconsider its policies and declare that a just peace is its strategic option as well.

2. Further calls upon Israel to affirm:

a. Full Israeli withdrawal from all the territories occupied since 1967, including the Syrian Golan Heights to the lines of June 4, 1967 as well as the remaining occupied Lebanese territories in the south of Lebanon.

b. Achievement of a just solution to the Palestinian Refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194.

c. The acceptance of the establishment of a Sovereign Independent Palestinian State on the Palestinian territories occupied since the 4th of June 1967 in the West Bank and Gaza strip, with East Jerusalem as its capital.

3. Consequently, the Arab Countries affirm the following:

a. Consider the Arab-Israeli conflict ended, and enter into a peace agreement with Israel, and provide security for all the states of the region.

b. Establish normal relations with Israel in the context of this comprehensive peace.

4. Assures the rejection of all forms of Palestinian partition which conflict with the special circumstances of the Arab host countries.

5. Calls upon the Government of Israel and all Israelis to accept this initiative in order to safeguard the prospects for peace and stop the further shedding of blood, enabling the Arab Countries and Israel to live in peace and good neighborliness and provide future generations with security, stability, and prosperity.

6. Invites the International Community and all countries and Organizations to support this initiative.

7. Requests the Chairman of the Summit to form a special committee composed of some of its concerned member states and the Secretary General of the League of Arab States to pursue the necessary contacts to gain support for this initiative at all levels, particularly from the United Nations, the Security Council, the United States of America, the Russian Federation, the Muslim States and the European Union.

¹³ Ibid.

¹⁴ Issacharoff Avi. *Arab states unanimously approve Saudi peace initiative*, Ha'aretz, March 28, 2007. This article can be accessed at: <http://www.haaretz.com/hasen/spages/843076.html>

¹⁵ Israel Ministry of Foreign Affairs. Behind the Headlines: Israel receptive to moderate Arab peace plan, May 15, 2007. This article can be accessed at: <http://www.mfa.gov.il/MFA/About+the+Ministry/Behind+the+Headlines/Israel+receptive+to+moderate+Arab+peace+plan+15-May-2007.htm>

¹⁶ As quoted in Cole, Juan. Israeli Settlements Could Cause One-State Solution. Published Friday November 6, 2009 by Salon.com.

¹⁷ Ha'aretz report by Reuters. Erekat: Palestinians may to abandon goal of independent state. November 4, 2009.

¹⁸ Satin, Mark, editor. The one-state solution is the most visionary AND the most sensible. Radical Middle Newsletter: Thoughtful Idealism, Informed Hope. Issue No. 106, April 2007. This article can be accessed at: <http://www.radicalmiddle.com/>.

¹⁹ Ali Abunimah, *One Country: A Bold Proposal to End the Israeli-Palestinian Impasse*, Metropolitan Books / Henry Holt, 2006

²⁰ See U S Department of State, BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, 2008 Country Reports on Human Rights Practices, February 25, 2009. Report can be accessed at <http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119117.htm>.

11 CONCLUSION

¹ The Universal Declaration of Human Rights passed by the United Nations General Assembly on December 10, 1948. The full text of the document can be accessed at <http://www.un.org/en/documents/udhr/>.

² Friends of Bil'in web site can be accessed at <http://www.bilin-ffj.org/>.

³ Abdallah Abu Rahmah. "No army, no prison and no wall can stop us". *The Electronic Intifada*, 7 January 2010. The article can be viewed at <http://electronicintifada.net/v2/article10940.shtml>.

⁴ Abdallah Abu Rahmah. Letter from Prison. Full text of the letter can be viewed at web site of International Solidarity Movement <http://palsolidarity.org/2010/01/10429>.

⁵ See Appendix II for the full document.

⁶ See Appendix II for the full document.

⁷ Closing prayer by Cedar Duaybis, Sabeel, August 27, 2009: The Committee spent the day of August 27, 2009 with Sabeel in Jerusalem. We ended our meeting with them with prayers. Cedar Duaybis, of Sabeel, prayed for us, for Israel and for Palestine