

International Law & the State of Israel

Unofficial highlights from the Conference in Cork, March-April



- **Dr. Ghada Karmi**, University of Exeter. Books include : *Return : A Palestinian Memoir* (Verso, 2015) / *Said and the Palestinian Diaspora : A Personal Reflection*, in *Edward Said : A Legacy of Emancipation and Representation* (Univ. California Press, 2010)/ *Married to Another Man : Israel's Dilemma in Palestine* (Pluto, 2007) / *In Search of Fatima : A Palestinian Story* (Verso, 2004)

Arabs have always found the Israeli state to be illegitimate, despite Oslo and other internationally-recognised agreements. The Jewish majority in what became Israel was only achieved by force. The India-Pakistan split was a transfer and division of indigenous communities; Palestine was not.

The Balfour Declaration, biblical notions, the UN 181 resolution and the UN recognition of the Israeli state have all been used by Zionists for legitimacy. The original draft of the Balfour document wanted “*the* National Home” and “*the* right” rather than “a National Home,” and “a right.” Resolution 181 was unjust, but it was only a recommendation as the UN didn’t have the legal authority to establish a divided Palestine. UN membership application should have been based on Article 4 of the UN Charter, that Israel be a peace-loving state, and that the state should abide by UN obligations placed on it. Further, Israel declared itself a state for an area acquired by conquest.

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- **Prof. Richard Falk**, Professor Emeritus of International Law, Princeton University; author of over 20 books, who was the UN Special Rapporteur on human rights in the Palestinian territories, 2008-2014. Author of recently published and withdrawn UN report : *Israeli Practices towards the Palestinian People and the Question of Apartheid* (Beirut : UN/Economic and Social Commission for Western Asia [ESCWA], available on non-UN websites, such as :

[https://electronicintifada.net/blogs/ali-](https://electronicintifada.net/blogs/ali-abunimah/landmark-un-report-backs-israel-boycott)

[abunimah/landmark-un-report-backs-israel-boycott](https://electronicintifada.net/blogs/ali-abunimah/landmark-un-report-backs-israel-boycott) ). Latest book : *Palestine's Horizon – Toward a Just Peace* (Pluto, 2017)

The 1897 World Zionist Congress set the scene for exceptionalism in international discourse. Zionism has always been conveyed in double-speak, depending on the audience. The Mandate was a compromise between self-rule of former Ottoman territory (promised eventually) and colonialism. The pattern of European colonialist history in their exploited regions : extermination, marginalisation, reconciliation, and retreat. However, Israel is an anomaly in that it’s a colonial mentality in a post-colonial world. The 1948 document for establishment of the Israeli state contains no self-determination premise, but rather, a claim based on vague, biblical-history. Israel’s achievement of hard power has been at the expense of its soft power internationally. The lesson for the 21st century is that military power isn’t as successful as it was previously. Anecdote regarding the UN Security Council’s exclusive veto power by the victors of World War Two : “The mice can be controlled but the tigers roam free.”

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• **Dr. Salman Abu-Sitta**, Director of the Palestine Land Society and author-compiler of the famous *Atlas of Palestine* (free download : [www.plands.org](http://www.plands.org)) / latest book : *Mapping My Return – A Palestinian Memoir* (IB Tauris, 2016)

675+ villages were emptied in the Nakba, with refugees scattered to 602 exile camps. In 2030 there will be 18 million Palestinians, most still residing within 100 miles of Palestine. The database of 1948 land holdings includes the current refugee camp locations of the original owners. While Ashdod and Beersheeba are former

Palestinian cities that are entirely Jewish-occupied today, 90% of the refugees' land remains unoccupied. To rebuild the lost residences it would take less than the annual US contribution to Israel. 8-15% of totally built-over land has a legal precedent in Bosnia in that both the original occupant and the later occupier have claims, in which case financial compensation would be due. Israelis don't own their property as they essentially rent from the state. Today, 5.5 million refugees are registered with UNWRA but an additional 2.5 million are not. Could the infrastructure support mass returnees? Yes, engineers have long experience in water and power management in the Gulf.

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From Mohammad Sabaaneh's *White and Black : Political Cartoons from Palestine* (Just World Books, 2017)

• **Dr. Catriona Drew**, School of Oriental and African Studies, University of London, Editor, *The London Review of International Law*; writings include : *Remembering 1948 : Who's Afraid of International Law in the Israeli-Palestinian Conflict?* published in : *Who's Afraid of International Law?* (Melbourne: Monash University Press, 2017); and *Self-Determination, Population Transfer and the Middle East Peace Accords*, published in *Human Rights, Self-determination and Political Change in the Palestinian Occupied Territories* (The Hague : Kluwer Law International, 1997)

In the aftermath of World War One, the concern was for politics with a nod to minority rights, but not law. The 1919 Paris Peace Conference resulted in : (1) a 1927 Greco-Bulgarian reciprocal emigration convention; minorities treaties' option clause; (2) the 1922-1923 Lausanne Conference failed to go through with an Armenian national home proposal, but they did mandate for Assyrian & Armenian national homes. The 1945 UN Charter included Human Rights in law at last, eliminating the need for Minority Rights. In the case of Decolonisation, the customary legal right is territorial, not ethnic.

The 1945 Potsdam Protocol and other acts endorsed population transfer. The 1937 Peel Commission had earlier endorsed compulsory transfer, based on Greco-Turkish movements having been deemed successful. After reading the Peel Report, David Ben Gurion spoke of "The compulsory transfer of the Arabs from the valley proposed for the Jewish state...and we did not propose this – the Royal Commission did...and we must grab hold (of it)"

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• **Adv. Yoella Har-Shefi**, Legal Adviser, Ani Israeli

See classic book : *Beyond the Gunsights : One Arab Family in the Promised Land* (Houghton Mifflin, 1980)

Advocating rights for Palestinians should not include anti-Jewish rhetoric.

Zionists should have ceased their quasi-religion of Jews-only entitlement after the creation of the state.

The Israeli identity card has no Israeli status, but rather, the options are : Jews, Arabs, unknowns and undecideds. The passport has 'Israeli' identification but, that's just for export. Har-Shefi wants Israelis to be declared as such and her group went to court to plead for the opportunity to define themselves this way, but the court refused to allow this 'subversive' request for self-identity on the grounds that it would "drive a wedge between Jewish Israelis and the Jewish diaspora." The Supreme Court should be that of Israel, not of Jews. *Ha'aretz* was the only Israeli news media to give this court challenge coverage, and that was modest. Case mentioned of a man, born in Israel, who tried unsuccessfully to be a citizen by right of birth and not by being Jewish, but was only certified for citizenship under the so-called right of return.

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• **Prof. Robert Wintemute**, King's College London

See the article, *Europe's Last Colony : 1918 Palestine's Arab Majority, Jewish Immigration, and the Justice of Founding Israel outside Europe*, published in : *Social and Legal Studies*, V.21, 2012

In 1948, of the 16 districts in Mandate Palestine, only Jaffa/Tel-Aviv had a Jewish majority, so if there had been a referendum on partition, it likely wouldn't have passed.

Recommends the speech by Zafarullah Khan, first Foreign Minister of Pakistan, speech to UN General Assembly, 7 October 1947 :

<https://aleemkhan.files.wordpress.com/2007/07/sir-zafarullah-khan-speech.pdf>

Apartheid is too complex to apply to Israel-Palestine. Prefers criticism of racial discrimination barring occupied Palestinians from citizenship and the right to vote. The US, Canada and Western Europe haven't ratified the recognition of Apartheid as criminal, so that legal avenue is problematic. If the indigenous people outnumber the settlers, the West will agree that it's Apartheid. Prefers to base legal arguments on international agreements that Israel has signed.

Recommends Victor Kattan's book, *From Coexistence to Conquest : International Law and the Origins of the Arab-Israeli Conflict, 1891-1949* (Pluto Press, 2009), but criticises his blaming 'Zionists' solely. Doesn't use 'Zionist' term. Rather, 'persecutors' and 'invaders.' And also 'door closers,' that is, countries such as the UK and US that didn't welcome Jewish refugees after WWII.

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• **Prof. Geoffrey Alderman**, University of Buckingham, University of London. Studied with AJP Taylor & Martin Gilbert. Many monographs on the British Jewish community and HM Government, from 1977 - 2010. Recent article : *Turbulent Times : The British Jewish Community Today*, published in : *Journal of Modern Jewish Studies* (V.12 N.2, 2013)

Balfour Declaration was addressed to Jews and not, of course, to Israelis. The 'political rights' of Palestinian Arabs purposefully not referenced. The Jews' right to settle in Palestine wasn't specific, so they could live anywhere. Transjordan excluded from Jewish settlement by the Mandate Government and Jordanian law (1954) forbids Jews from being citizens. Since in the 1920s-1940s, when the Jewish national Fund (JNF) purchased much land, the Jordanian authority over the West Bank didn't change the fact that those properties were still, legally, owned by Jews. Resolution 191 was supposed to overturn the Balfour Declaration, but didn't. In Judea and Samaria today, the Israelis are legally maintaining the Mandate policy. A one-state of all of 'Eretz Israel' would be legal, except that Jews would be at least politically-mistreated by an Arab majority.

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• **Prof. Yakov Rabkin**, University of Montreal, author of : *What is Modern Israel?* (Pluto Press, 2016) / *A Threat from Within : A History of Jewish Opposition to Zionism* (Zed Books, 2006)

There are Judaic challenges to the legitimacy of Zionism. In 1924, Jacob De Haan organised meetings of Jerusalem rabbis to foster 'brotherly harmony' with all ethnic groups in Palestine, but he was soon assassinated - the first case of political terrorism in Mandate Palestine. In 1947, Rabbi Yosef Tzvi Dushinky testified for inclusiveness with the Arab community to a UN Committee in Jerusalem. Hebrew University's Shlomo Avineri states that Jews in the 1940s did not relate to the vision of 'return' with any more fervour than most Christians viewed the Second Coming. Prof Rabkin stresses that it would be "banal, conformist and apologetic" to link Zionism to the traditional religious longing for the Land of Israel and recommends the 19th century Hungarian Hasidic Rabbi Moshe Teitelbaum's *Vayel Moshe*, a fundamental critique of Zionism. Rabbi Abraham Isaac Kook (and his son Zvi Yehuda Kook) started the National Judaism movement, linking Zionism with the Jewish religious canon - the settlers today. Most, *but not all* Haredim take financial support and citizenship. Some are asked why they live in Israel and the answer is, 'we've been here for centuries and will be here for centuries to come.' Some Orthodox Haredim today burn the Israeli flag at demonstrations in Jerusalem and protest against state conscription. While they are committed separatists (from non-Jews), they don't rely on the State to be so. The worldwide Chabad Lubovich Movement encourages Jews to be more religiously observant; it has traditionally been anti-Zionist but now sees this as not contradictory with being pro-Israel.

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• **Dr. Mutaz Qafisheh**, Hebron University; has prepared a law for Palestinian citizenship/nationality, at the request of the PLO. - writings : *Palestine Membership in the United Nations : Legal and Practical Implications* (as editor, Cambridge Scholars Press, 2013) / *Palestinian Prisoners in Israel versus Namibian Prisoners under Apartheid : A Potential Role for the International Criminal Court*, in : *International Journal of Human Rights*, V.20 No.6, 2016) / *An Ongoing Anomaly : Pre-and Post-Second World War Palestinian Refugees*, in : *International Journal of Refugee Law*, V.27 N.1, 2016

Those in refugee camps in other countries would benefit from acquiring Palestinian citizenship and should be given the option of applying for Palestinian nationality, regardless of whether they return or not. Jews residing there could apply as well. Palestinians in the West Bank but with homes in, say, Jaffa, should still have the right of return.

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**Adv. Leah Tsemel**, Israeli lawyer and human rights activist

The law has ‘the power of force’ and can be a flexible as desired. In the aftermath of 1967, Palestinians were forcibly sent away on buses, dropped in the desert. British Mandate law has sometimes been used as an excuse for deportation. Such expulsions are not always successful, for in 1992, Lebanon made the ‘deportees’ live on the border for two years, after which the former prisoners became Hamas leaders in the West Bank. Targeted killings, even in other countries, are a consequence of the courts restricting deportations.



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• **Dr. Hatem Bazian**, University of California, Berkeley; author of : *The Islamophobia Industry and the Demonization of Palestine : Implications for American Studies*, in *American Quarterly*, V67 N.4, 2015

There have been Western ‘academic checkpoints,’ even at UC Berkeley, where a class on Palestine was temporarily blocked. Menachem Begin felt that Jews’ lack of strength of arms over centuries was responsible for their oppression; therefore, creating a ‘new Jew’ via conquest was deemed necessary. David Ben Gurion felt that ancient Judea fell through blood and fire, and so a revived Judea could only be brought about the same way.

The 1492 expulsion of Jews and Muslims from Spain began the trajectory of European racism, of them not being able to live with ‘the other.’ Zionism is therefore Eurocentric (racially hierarchical regarding Arabs), with violence and power made constitutional in the project’s legal structure, rather than a response to exogenous threats. Zionism became the “junior partner in European colonialism” and has attempted to erase Palestinian Arabs from both the 20th-century landscape and the ancient, biblical one.

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● **Dr. Anthony Löwstedt**, Webster University, Vienna; publications : *Apartheid: Ancient, Past and Present - Gross Racist Human Rights Violations in Graeco-Roman Egypt, South Africa, and Israel/Palestine* (Vienna: Gesellschaft für Phänomenologie und Kritische Anthropologie, 2014) / *Here We Are: A Photo Essay on Palestine and the Palestinians* (as co-author, Ramallah: Mif-tah, 2005) / *Femicide in Apartheid: Parallel Interplay between Racism and Sexism in South Africa & Palestine-Is-*

rael, in Ilan Pappé, editor: *Israel and South Africa: the Many Faces of Apartheid* (Zed Books, 2015)



Referenced the Esquire Report on Apartheid. International law equates white European residents with the indigenous population. Apartheid is more accurate than colonialism in describing Palestine. International law is more against Apartheid, whereas colonialism isn't 'legal enough' as a criticism. Sees a typology of invader racism :

- Genocide - 50% of the total population
- Ethnic Cleansing 10% - Palestine, especially 1947-49, 1967
- Apartheid 5-50% - Palestine, under Jewish Israeli rule
- Settler colonialism - 3-10%, Algeria under French rule
- Colonialism - 1-5%, Ghana under British rule



● **Salma Karmi-Ayyoub**, Criminal Barrister, London; Al-Shabaka Policy Network; Al-Haq 2009-2012; Chair of Lawyers for Palestinian Human Rights. Her articles have appeared in *The London Review of Books*, *The Huffington Post* and *The Nation*.

The law is often not fit for purpose and using International law is only a tool. It has been shaped by the PLO's pursuit of an independent state (the two-state situation). Occupation-focused law is ineffective because it's not temporary but a de facto annexation. House demolitions described as violations of individual micro laws, but not as part of an overall government plan. With

regard to children, legal attempts are to get them filmed under interrogation and arrested in the daytime, rather than overnight; but this doesn't accuse the idea of having the military court in the first instance. The PA have made legal concessions without any guarantees of anything in return.

For any practical solution, legal advocacy must accurately describe the nature of the Palestinian cause, the broad denial of Palestinian rights by the Israeli regime. BirZeit University-proposed guidelines included challenging the population transfer in the first instance, which affected the entire Palestinian community. Legal advocacy should not only reflect what's unwanted (Apartheid, etc) but what is : self-determination, which ties Palestinians to the whole land of Palestine, not just the West Bank and Gaza. Urges challenging Israel's legitimacy in the contemporary legal landscape, not against past resolutions.

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• **Dr. Jeff Handmaker**, Erasmus University
Socio-Economic Rights in South Africa : Symbols or Substance? In, *The South African Journal on Human Rights*, V.32 N.2, 2016 / *Mobilising Social Justice in South Africa* (with Remko Berkhout; Pretoria University Law Press, 2010) / *Advocating for Accountability : Civic-State Interactions to Protect Refugees in South Africa* (Antwerpen : Intersentia, 2009)

Israeli nationality rejected by Israel, in favour of Jewish nationality, based on the construct of the Jewish people. Legal Mobilisation is not ‘Lawfare.’ Although it takes independent financial backing, its direct or indirect impact can lead to structural change. In South Africa, legal actions challenged individual elements of discrimination. LM must have a human face and be based on strategic choices. 21 Israeli citizens petitioned the Supreme Court to acquire Israeli nationality, but this was rejected so as not to undermine the Jewish character of the State of Israel.

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**Dr. Ronnen Ben-Arie**, Department of Geography & Human Environment, Tel Aviv University. Downloads : *The Haifa Urban Destruction Machine* (2015) / *Bedouin Alterity – Between Resistance and Creation* / *Becoming Civic : Resisting the Identities of Political Struggle*

Israel today is worse than traditional colonialism, which had only been concerned with exploitation. According to the late Australian scholar Patrick Wolf, the purpose of settler-colonialism is elimination of the native; displacement and replacement. Nothing bothers an Israeli more than losing what one has made or has taken. The early shared life between Palestinian Arabs and Mizrahi Jews is a casualty of the Zionist takeover. This loss can’t be recovered but can be acknowledged and interaction encouraged, as part of de-colonisation. Zionism refuses to ‘settle down’ and so past gains are never enough.

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• **Dr. Mazen Masri**, City University, London
The Dynamics of Exclusionary Constitutionalism : Israel as a Jewish and Democratic State (Hart, 2017)

Israel strives for the preservation of a Jewish majority, with the promotion of Jewish immigration, nationalism, culture and heritage, and settlement. The country founded by “representatives of the Jewish Community or Eretz-Israel and the Zionist Movement,” so there are special roles for the Jewish National Fund and the Jewish Agency that have no equivalent in other states.

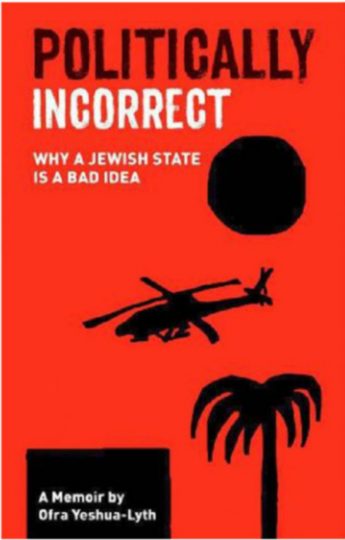
53% of Palestinians live in poverty. Only 1.75% of Israeli Palestinians in tenure-track positions at Israeli universities, far below their 20% of the general population. Only the ‘Jewish nation’ (75% of citizens) exercises self-determination. Palestinians were welcomed in the founding declaration but all legal limitations to Arab immigration and residency.

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• **Ofra Yeshua-Lyth**, Journalist for *Ma'ariv* and member of the Jaffa One State Group. Recent work : *Politically Incorrect : Why a Jewish State is a Bad Idea* (Skyscraper Books, 2016)

The Israeli elite includes court judges. Zionist left liberals rallied in 2016 to try to beat the Netanyahu popularity, with a Zionist-Left billboard reading, “With Bini-Benet we will be stuck with the Palestinians for ever.” There’s an obsession with the ‘demographic majority’ and any non-Jew represents a risk to it.



Israeli peace groups label themselves as ‘peace groups’ and not ‘anti-apartheid groups,’ as was the case in South Africa.

Israeli-Jewish axiom, ‘The world is against us,’ references holocaust anxiety. A common Passover seder saying goes, “in every generation they stand up to annihilate us.” The sayings are not merely spontaneous, but composed and promoted.

Even the liberal media insists on a Jewish state. Amos Oz, endorses a two-state outcome : “to prevent the emergence of a dictatorship of fanatics. David Avidan, in his pre-1967 poem *Power of Attorney*, states that Jews have nowhere else to go. Criticisms are either blocked in the press or patronised by Jewish ‘peace activists.’ The notion of a ‘Jewish democratic state’ is an oxymoron, so the removal of ‘democratic’ from the state’s description makes no difference.

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• **Dr. Haitham Suleiman**, Al-Quds University, Jerusalem, author of : *Conflict over Waqf property in Jerusalem: Disputed Jurisdictions between Civil and Shari'a Courts* ([researchgate.net/publication/281620389](https://www.researchgate.net/publication/281620389), September 2015) / *God is an Absentee, Too : The Treatment of Waqf Land in Israel/Palestine* ([researchgate.net/publication/271669000](https://www.researchgate.net/publication/271669000), 2009)

“The choice of jurisdiction is complicated due to conflicting case histories. Ottoman law is Shari’a law, which holds much weight. But the British closed Ottoman land registers during the Mandate and a new registry was installed. After 1948, the Israelis then established the Absentee Property Law (1950, the same year when the Jewish worldwide ‘right of return’ was established) and then Waqf property was confiscated after two years.

Waqf land is intended to be irrevocable, it’s perpetual, for the community and cannot be owned as in conventional society. There is both an Israeli Shari’a court (which can differ from Jordanian state law) and the Palestinian Arab Muslim Shari’a Court. There can be, in one case, a choice of jurisdictions and laws.



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• **Dr. Blake Alcott**, independent researcher, London. Recent publication, a critique of Ari Shavit's *My Promised Land: The Triumph and Tragedy of Israel* (Random House, 2013), in *Journal of Holy Land and Palestine Studies*. V.14 N.2 (2015)

► **Self-Determination : What is the legitimate self?**

A legitimate citizenry should include all Palestinians. State legitimacy requires, in an ethical sense, the consent of the governed. But first, which

group? Palestinians have the right to citizenship. A state has, conventionally, territory, people and institutions, and a near-monopoly on the use of force. Subjects 'significantly affected' by the state should be citizens. Two senses to defining 'legitimacy' : ethical and technical. 'Legitimacy' is not defined in international law, so the normative interpretation is somewhere between 'legal' and merely 'good.' If any state is illegitimate, then it needs to become so. Palestinians were Mandate citizens, wrongfully displaced, so the right of return must be as full citizens. Montevideo criteria : 1933 Convention (League of Nations Treaty, amongst American countries only) of state 'personhood.' A state has a permanent population, defined territory, a government, and the capacity to enter into relations with other states. Cites many grounds for questioning Israel's legitimacy, including its colonialist aspect, creating a separate class of non-Jews, military conquest, ethnic cleansing, violation of UN Resolutions, denial of return, and the denial of citizenship for Arab Palestinians.

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• **Prof. Nadera Shalhoub-Kevorkian**, Hebrew University
 Published works : *Security, Theology Surveillance and the Politics of Fear* (Cambridge University Press, 2015) / *Militarization and Violence against Women in Conflict Zones in the Middle East : A Palestinian Case Study* (Cambridge University Press, 2009) / *Acknowledging the Displaced : Palestinian Women's Ordeals in East Jerusalem* (Jerusalem : Women's Study Centre, 2006)

Via internet. Mistreatment of Palestinian children is part of the Settler-colonialist motive to upset the Arab community structure. Children have always been victims in conflict, but today the settlers aren't concerned how visible this is. Palestinian children are considered 'born criminals.' In Gaza, meagre food intake is used as a weapon against children. Routine medicine is withheld from children in prison. Children are purposefully incarcerated in a different permit zone from that of their families. Recommends Helen Brocklehurst's *Who's Afraid of Children? Children, Conflict, and International Relations* (Ashgate, 2006)

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• **Ardi Imseis**, University of Cambridge; 12 years with the UN in the Middle East. Writings : *Speaking Truth to Power*, in *Edward Said : Emancipation and Representation* (University of California Press, 2010) / *On the Fourth Geneva Convention & the Occupied Palestinian Territory*, in the *Harvard International Law Journal*, V.44 N.1, 2003.

International law and legitimacy are interchangeable. Palestine suffered subversion of international law, for reasons of political expediency. UN's 1947 partition plan insisted that each segment have a constitutional democracy, but Resolution 181 subordinated Palestine's legal status. Palestinians weren't consulted, self-determination not included as a concern because that would obfuscate the proposed Jewish states. As in the Balfour Declaration, 'Arabs' weren't mentioned. Today, the UN recognises that there is a 'temporary' occupation, but has never labelled the occupation 'illegal,' and curiously sees it as something to be resolved by negotiation between the two main parties. Occupations elsewhere in the world have been concretely considered illegal and demanded the unilateral withdrawal of the occupying power. Is international law, law? It's idealistic but compiled by the powerful to justify a preferred order. It has little capacity for enforcement, so it relies on individual state law to back it up.

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• **Mia Tamarin**, University of Kent Law School. The American independence from Britain was mainly to do with 'facts on the ground' and was settler-colonialism seeing the main chance, motivated by acquisition of capital and private property. The Zionist project exceeded this that went beyond the practical to zealotry for its own sake. International law is equipped to recognise property rights but not the 'conceptualisation of space,' that has happened, especially in the Occupied Palestinian Territories. Therefore, the Palestinian motherland is not necessarily the exact land of dispossession. The centrality of territory will be more relevant once the Apartheid is abolished.



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Prof. Oren Ben-Dor, University of Southampton
 Apartheid should be back-dated to include 1948. When differential treatment of citizens is codified, becomes a 'legalism,' then that makes a state an Apartheid state. Israel is a more complex form of Apartheid due to its greater effort to maintain it. Israeli Apartheid is an innate separatist philosophy, rather than a reaction to the presence of Arab Palestinians. Palestine may be the ultimate microcosm of world humanity's willingness to be unique and separate. Zionists connect to territory, while Palestinians connect with the land.

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• **Dr. Michael Kearney**, University of Sussex; Worked for Al-Haq, advocating a legal framework for a Palestinian state. *Palestine and the Politics of International Criminal Justice* (with John Reynolds), in *The Ashgate Companion to International Criminal Law* (2013) / *Review of Israeli Practices Relative to the Prohibition of Apartheid*, in : *Beyond Occupation - Apartheid, Colonialism, and International Law in the Occupied Palestinian Territories* (2012)

Concern that if state orthodoxy is legitimate, it is then not a good fit for anarchists. States by nature can be both criminal and dishonest, and they're generally immune from challenge. Law is based on conservatism, and its origins are biblical. 'Homeland' is not an accurate term; for Palestinians to desire a homeland, the assumption is made that they are exiled from it and assumes a solid territory, as opposed to banustans. Borders can indeed form prisons.

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• **Eitan Bronstein Aparicio**, (De)Colonizer Research/Art Laboratory for Social Change; featured in *Ha'aretz*
▶ see : Mapping the Colonial Project (de-colonizer.org)
Aparicio's modern adjunct to Salmon Abu Sitta's landmark work, *Atlas of Palestine*. Colour-coded map shows destroyed locales before the Nakba, during it, and since 1967. All told, the map charts the destroyed Palestinian, Jewish and Syrian (over 100,000 civilians) localities destroyed since the beginning of Zionism until 2016. The Zionist trope is one of building, but the flip side is the destruction. In Ottoman times, purchase of land

allowed for the residents to remain; this was altered by the Zionists. Herzl : "Zionism is an infinite ideal."

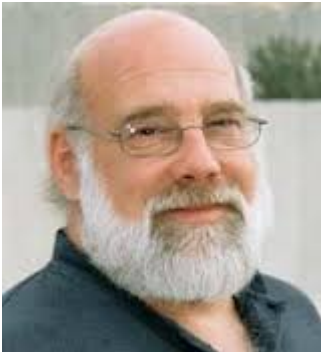
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**Prof. Haim Bresheeth**, School of Oriental and African Studies, University of London. Writings include : *The Arab Spring : A View from Israel*, in the *Middle East Journal of Culture and Communication*, V.5 N.1, 2012

There is today an imaginary alliance of Left and Right 'masquerading' as critical of Israel. For decades in France, Jews (600,000) have been keen to keep a higher status than Muslims (5,000,000), with the latter becoming the new 'other.' French Jews overwhelmingly enthusing supporters of Israel. B. Henry-Levy (2004) in *Recidives*, links antisemitism with anti-Americanism. If you criticise the media, you criticise Jews! The same is true for anti-capitalist sentiment, as it's deemed antisemitic too! A. Taguieff (2004) : "Jews are all more or less crypto-Zionists. Zionism is a form of colonialism, imperialism, and racism. Therefore, Jews are colonialists, imperialist, and racists, whether overt or covert." Beware of the modern Ziophillic-Islamophobic alliance, which branches out into Alt-Right & Western Elites.

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• **Jeff Halper**, former Director of the Israeli Committee Against House Demolitions (ICAHD); books include : *War against the People – The Palestinians and Global Pacification* (Pluto , 2015) / *Obstacles to Peace : Reframing the Israeli-Palestinian Conflict* (ICAHD, 2009)

Two-state end game is no longer possible : As John Kerry said in 2014 after Israel announced 3000 more settlement houses in the West Bank, “Poof!” Israel’s construction of the ‘Matrix of Control,’ the ‘Judaisation’ of the West Bank, has made it impossible. Solution to an Apartheid state : a single, *bi-national*, democracy, even if Palestinians and Jewish Israelis want it otherwise. Essential elements :

- ▶ Balance between collective rights (self-determination) and individual rights (democracy), with equality for all.
- ▶ Conform to human rights and international law.
- ▶ Resolve the refugee issue (right of return) including an acknowledgement.
- ▶ Be economically viable.
- ▶ Address the security concerns of Palestinians, Israelis, and all in the region.
- ▶ Two houses of Parliament - Each citizen gets 2 votes : Communal and Direct.

Communal elections to parliament with Palestinian and Israeli communities voting in blocs.  
 Direct elections, where individual citizens for by (geographic) constituencies

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• **Prof. George Emile Bisharat**, University of California, Hastings College of Law; works include : *Palestinian Lawyers and Israeli Rule : Law and Disorder in the West Bank*



(University of Texas Press, 1989, 2012), about the decline of the Palestinian legal profession over the first two decades of the Israelis’ West Bank occupation.

Law always has two faces - justice and power - and doesn’t make progressive changes by itself. It requires political will.
 Both Fateh and Hamas have authoritarian tendencies.
 The PLO originally called for democratic secularity.
 International soft power can only be enhanced by justice.
 International Court of Justice may not give a desired result, and there’s no guarantee that about the outcome, especially as the ICJ’s body changes frequently.

Calls for a reboot of core rights for all interest groups :

- ▶ Remedying injustice done to Mizrahi Jews.
- ▶ Transitional Justice via a Truth & Reconciliation Commission.
- ▶ LGBT Justice – eliminating the patriarchy.
- ▶ Environmental Justice.
- ▶ Regional Justice – compensation for lost and damaged territory, including their loss of the Mizrahi Jewish communities.