

Nakba

The Ongoing Ethnic Cleansing of Palestine
A concise guide to history and issues

By Edward Mast, Haithem El-Zabri and the Palestine Information Project



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1. Palestine & Palestinians

The West Bank, the Gaza Strip and Israel are all part of what was once called Palestine, where Palestinians have lived for thousands of years.

Palestinians claim descent from the Kena`anu, or Canaanites, a loose collection of peoples who lived in the region as long ago as 3000 BCE, founding the cities of Jericho and Jerusalem, among others.¹

Palestinians have primarily been agricultural, village and city people, sustaining and improving the millennia-old dry-climate agriculture native to the land, as well as nurturing the orchards of ancient olive trees, some of them thousands of years old.²

By the nineteenth century, the people of Palestine had a well-established society and culture that was recognized as uniquely Palestinian, with respected intellectual and professional classes, political organizations, and the beginnings of modern industry.³ Palestine was renowned for its olive oil industry and its citrus exports, most notably the Jaffa Orange. According to Refaat Loubani's research, in 1912-13 Palestinians exported 1,608,570 cases of oranges to Europe.⁴ In addition to abundant agriculture, the country boasted commercial, banking, and fishing industries. Factories specialized in cigarette making, tile production, iron casting, cotton processing, leather products, textile, and publications, among other industries. Ahad Ha'am, a leading Eastern European Jewish essayist who visited Palestine in 1891, tried to relay this to other Jews in Europe, by stating that "*We abroad are used to believing that Eretz Yisrael is now almost totally desolate, a desert that is not sowed... But in truth that is not the case. Throughout the country it is difficult to find fields that are not planted.*"⁵

Palestine was also a strategic crossroads for merchants from Asia, Africa, and Europe, and was home to ports in Jaffa and Haifa. Various cities, including Jerusalem, Bethlehem, Nazareth, Haifa, Jaffa, Acre, Nablus, Al-Khalil, and Gaza, were known as centers of pilgrimage, commerce, and education.

The Jewish people also have a long history in the region, claiming descent from the Khabiru, or Hebrews, who appeared about 1500 BCE and were rulers for some hundreds of years.⁶

For most of the last two thousand years, Palestinian Jews were a small and integrated minority. In 1850, the population of Palestine was estimated at 500,000, of whom approximately 80% were Muslim, 15% Christian, and 5% Jewish.⁷ The current conflict is not ancient, but began in the late nineteenth century when the Zionist movement in Europe decided to create a Jewish state in Palestine.

¹ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 68.

² Edward W. Said and others, "A Profile of the Palestinian People," in *Blaming the Victims: Spurious Scholarship and the Palestinian Question*, ed. Edward W. Said and Christopher Hitchens (London: Verso, 2001), 236.

³ Edward W. Said and others, "A Profile of the Palestinian People," in *Blaming the Victims: Spurious Scholarship and the Palestinian Question*, ed. Edward W. Said and Christopher Hitchens (London: Verso, 2001), 237.

⁴ Refaat Loubani, *Palestine Before 1947*, <http://www.palestineremembered.com/Acre/Palestine-Remembered/Story664.html> (Nov 2001).

⁵ Refaat Loubani, *Palestine Before 1947*, <http://www.palestineremembered.com/Acre/Palestine-Remembered/Story664.html> (Nov 2001).

⁶ Richard Hooker, *The Hebrews: Egypt & the Wanderings~1500-1250 BC*, <http://public.wsu.edu/~dee/HEBREWS/HEBREWS.HTM> (June 1999); see also: Richard Hooker, *The Hebrews: The Occupation of Canaan~1250-1050 BC*, <http://public.wsu.edu/~dee/HEBREWS/HEBREWS.HTM> (June 1999).

⁷ Jamil Z. Fayeze, M.D., *Lest the Civilized World Forget the Colonization of Palestine* (New York: Americans for Middle East Understanding, 1992), 5.

2. Zionism

Zionism began in the late 1800's as a nationalist movement among European Jews who hoped to escape from centuries of persecution, pogroms and expulsions in Europe.⁸

At the Basel Conference, in 1897, the Zionist movement adopted Theodor Herzl's proposal to create a Jewish national state in Palestine.⁹ Since Jews constituted a small minority in Palestine, implanting a Jewish majority state would by definition require the displacement of the non-Jewish majority population.¹⁰ Even though a Jewish delegation to Palestine from Vienna reported back that "*the bride is beautiful, but she is married to another man,*" *the Zionist movement preferred to claim that Palestine was "a land without a people for a people without a land."*¹¹ This slogan was openly racist in denying the significance, rights, or even the existence of the Palestinian people.

In Palestine, a national liberation movement was already underway, with manifestations as early as the 1834 Arab Revolt.¹² Palestinians were seeking independence from occupation by the Ottoman Turks and then by the British.¹³ Though Zionism was also conceived as a national liberation movement, Zionists pursued their plan by allying themselves with the colonial occupying powers.¹⁴ Zionists were essentially asking to take over the occupation from the Turks and then the British, presenting Zionism as a new European occupier, "*a rampart of Europe against Asia, an outpost of civilization as opposed to barbarism,*" as founder Theodor Herzl put it.¹⁵ Neither Palestinian Arabs nor the majority of Palestinian Jews favored the Zionist plan.¹⁶

The colonialism and racism implicit from the start in the Zionist movement, leading to the ongoing attempts to displace the Arab population, have been the primary sources of conflict in the region.

Palestinians have been pressured for decades to accept the validity and primacy of a Jewish state that would—by definition—devalue the rights, needs and aspirations of all non-Jews.¹⁷

During the early years of Zionism, some Jews rejected the plan for a national state on religious grounds.¹⁸ Since the founding of Israel, an increasing number of Jews have objected to the racist and oppressive actions being committed in their name.

*"It is not as though there were a Palestinian people...and we came and threw them out and took their country away from them. They do not exist."*¹⁹

Golda Meir, 1969—Israel's fourth prime minister

Zionist Terror Groups

More than 57 massacres and 5,000 lives were claimed by Zionist terrorist groups such as Etzel, Hagannah,

⁸ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 3-4.

⁹ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 4.

¹⁰ Ghada Karmi, *Married to Another Man: Israel's Dilemma in Palestine* (London: Pluto Press, 2007), 1.

¹¹ Ghada Karmi, *Married to Another Man: Israel's Dilemma in Palestine* (London: Pluto Press, 2007).

¹² Kimmerling, Baruch and Migdal, Joel S., *The Palestinian People: A History* (Cambridge: Harvard University Press, 2003), 6-11

¹³ Abdelaziz A. Ayyad, *Arab Nationalism and the Palestinians 1850-1939* (Jerusalem: PASSIA Publication, 1999), 34.

¹⁴ *Ibid.* 86.

¹⁵ Theodor Herzl, *The Jewish State*, <http://www.jewishvirtuallibrary.org/jsource/Zionism/herzl2b.html>

¹⁶ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 6.

¹⁷ Gary Sussman, *The Challenge to the Two-State Solution*, <http://www.merip.org/mer/mer231/challenge-two-state-solution>.

¹⁸ Stephen R. Shalom, *Background to the Israel-Palestine Crisis*, <http://www.uscrusade.com/forum/config.pl?read=593>.

¹⁹ Noam Chomsky, *The Fateful Triangle: The United States, Israel & the Palestinians* (Boston: South End Press, 1983), 51.

Irgun, and Lehi (also known as the Stern Gang).²⁰ According to Irgun, “*political violence and terrorism [are] legitimate tools in the Jewish national struggle for the Land of Israel.*”²¹ In 1946, Irgun bombed the King David Hotel, killing approximately 100 Britons, Arabs, and Jews.²² Etzel and the Stern Gang booby-trapped cars and threw grenades into busy markets in Haifa and other Arab population centers. Etzel and the Stern Gang jointly committed the Deir Yassin massacre in April 1948.²³ Also in 1948, U.N. peace mediator Count Bernadotte was assassinated by the Stern Gang with the direct participation of Menachem Begin and Yitzhak Shamir, both of whom went on to become Prime Ministers of Israel.²⁴ Many of Israel’s leaders came from these ranks.

*“We shall try to spirit the penniless population across the border... both the process of expropriation and the removal of the poor must be carried out discretely and circumspectly.”*²⁵

Theodore Herzl, 1895—considered the father of political Zionism

*“Regarding the transfer of the Palestinian Arabs this is much easier than any other transfer. There are Arab states in the vicinity and it is clear that if the Palestinian Arabs are removed to these states, this will improve their condition and not the contrary.”*²⁶

David Ben-Gurion, 1944

²⁰ Canadians for Justice and Peace in the Middle East, *Factsheet: Jewish Terrorism Under the British Mandate*, <http://www.cjpme.ca/documents/23%20En%20Jewish%20Terrorism%20under%20British%20Mandate%20v.1.pdf>.

²¹ Canadians for Justice and Peace in the Middle East, *Factsheet: Jewish Terrorism Under the British Mandate*, <http://www.cjpme.ca/documents/23%20En%20Jewish%20Terrorism%20under%20British%20Mandate%20v.1.pdf>.

²² John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham, Duke University Press, 1990), 29.

²³ Noam Chomsky, *The Fateful Triangle: The United States, Israel & The Palestinians* (Boston: South End Press, 1983), 95-96.

²⁴ Baylis Thomas, *How Israel Was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 86.

²⁵ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 21-22.

²⁶ Nur Masalha, *Expulsion of the Palestinians: The Concept of “Transfer” in Zionist Political Thought, 1882-1948* (Beirut: Institute for Palestine Studies, 1992), 159 AND Alzamlı, Abdulkhalek. “Palestinian Refugees and their *Nakba* in Israeli Official Documents.” *Palestinian Refugee ResearchNet*. 2, 5-6. August 14, 2011. <http://prrn.mcgill.ca/research/papers/alzamlı.pdf>

3. The British Mandate and the Partition of Palestine

When the Ottoman Empire fell after World War I, the victorious European powers created new artificial boundaries and Palestine became a mandate territory of Britain in 1922. At the time, there were about 600,000 Palestinians and 60,000 Jews in the territory, half of the latter figure being Jewish settlers from Europe.²⁷ Tensions had increased in November 1917 when the British Foreign Office Secretary, Lord Arthur Balfour, announced his government's support for the establishment of "a Jewish national home in Palestine."²⁸ At the same time, however, the McMahon-Hussein Understanding promised Palestinian Arabs statehood if they assisted Great Britain in fighting against the Turks.²⁹

Regardless of the competing promises, the number of Jewish settlers in Palestine grew ten-fold during the three decades of British rule.³⁰ Palestinian Arabs resisted both with non-violent civil disobedience and with armed revolt, and they were forcibly suppressed by the British military and by increasingly well-armed Jewish militias.³¹ On November 29, 1947, the U.N. General Assembly—under heavy pressure from the United States government—adopted Resolution 181, which recommended dividing Palestine into two states; one Palestinian and one Jewish.³² At that time, there were approximately 1,300,000 Arabs and 650,000 Jews in Palestine.³³ Jews constituted 33 percent of the total population, and owned 6.59 percent of the land; yet the U.N. Resolution allocated 54 percent of the territory for a Jewish state.³⁴

It had become common practice in Europe after World War I to determine borders under the international principle of "self-determination," which required asking the consent of the local population. No such consent was asked of the Palestinian people.³⁵

For all of these reasons, Palestinians did not accept the partition of their homeland. They continued to demand independence, as they had done even prior to British and French promises. Zionist leaders were also unsatisfied with partition, though they accepted the Resolution as a first step toward conquering all of historic Palestine.

*"After the formation of a large army in the wake of the establishment of the state, we will abolish partition and expand to the whole of Palestine."*³⁶

David Ben-Gurion, 1938 –Israel's first prime minister

*"The Partition of Palestine is illegal. It will never be recognized... Jerusalem was and will for ever be our capital. Eretz Israel will be restored to the people of Israel. All of it. And forever."*³⁷

Menachem Begin –Nov. 30, 1947

²⁷ Nancy Stohlman and Laurieann Aladin, eds. Live from Palestine: International and Palestinian Direct Action Against the Israeli Occupation (Cambridge: South End Press, 2003), 14.

²⁸ Noam Chomsky, *The Fateful Triangle: The United States, Israel & the Palestinians* (Boston: South End Press, 1983), 90.

²⁹ Baylis Thomas, *How Israel was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 4.

³⁰ "Factsheet: Demographics of Historic Palestine prior to 1948." *Canadians for Justice and Peace in the Middle East*. July, 2004. <http://www.cjpmo.org/DisplayDocument.aspx?DocumentID=18>

³¹ Baylis Thomas, *How Israel was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 23-25; 31.

³² Baylis Thomas, *How Israel was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 53.

³³ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 44.

³⁴ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 186.

³⁵ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 22.

³⁶ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 22.

³⁷ Saree Makdisi, *Palestine Inside Out: An Everyday Occupation* (New York: W.W. Norton & Company, Inc., 2008), 246.

4. Ethnic Cleansing, 1947-49

Fighting broke out between Zionist Jews and Palestinian Arabs immediately after U.N. Resolution 181 was announced. One of the first major assaults by Zionist/Jewish forces came on December 18, 1947, when Palmach units (the shock troops of the Zionist underground army) attacked the Palestinian village of Khissas in northern Galilee.³⁸ Men, women and children were killed and wounded in the night raid.

Israeli legend has it that the Zionist forces were outnumbered and outgunned. In fact, Zionist forces always had superior numbers of troops, and by the summer of 1948 they had greater numbers of weapons and armored vehicles.³⁹ British suppression of the Arab revolt in 1936-39 had left Palestinian Arabs largely unarmed and leaderless.⁴⁰ A U.S.-European arms embargo on both sides maintained this imbalance.

By May 1948, Zionist forces had already captured substantial portions of Palestine outside the U.N.-designated Jewish state, and at least 200,000 Palestinians had been expelled from their homes in what became Israel.⁴¹

On May 14, 1948, Great Britain officially declared the end of British Mandate rule in Palestine.⁴² That same day, Zionist leaders declared the State of Israel, and the U.S. government recognized it within hours.⁴³ On May 15, Jordan, Syria and Egypt entered the war. These Arab governments had territorial ambitions of their own—Jordan had made a secret agreement with the Zionists to divide up historic Palestine between them—but they were also taking military action to stop the refugee crisis and to prevent the new state of Israel from conquering more land and driving out more Palestinians.⁴⁴ The Arab Legion from Jordan, the only Arab force with battle experience, did not approach the area designated for a Jewish state.⁴⁵

Fighting continued until armistice agreements were signed in January 1949. The new state of Israel had conquered 77% of Palestine, with Jordan taking control of the West Bank and Egypt taking control of Gaza.⁴⁶ Historic Palestine disappeared from the world map.

Plan Dalet

In March and April 1948, well before the Arab nations entered the conflict, the Zionist forces launched Plan Dalet, a systematic plan for the expulsion of Palestinians from vast areas of Palestine.⁴⁷ The Plan was dispatched to units of the Jewish underground forces with a detailed description of the methods for the forcible eviction of Palestinian civilians.⁴⁸

Section 3b4 of Plan Dalet details offensive operations to be carried out in the name of “defense,”⁴⁹ including:

³⁸ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987), 33.

³⁹ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 195-96.

⁴⁰ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 154; 192.

⁴¹ Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004), 206.

⁴² John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 64.

⁴³ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 64-5.

⁴⁴ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 128.

⁴⁵ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 194.

⁴⁶ Baylis Thomas, *How Israel Was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 89; see also: Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 250.

⁴⁷ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 57.

⁴⁸ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 64.

⁴⁹ Walid Khalidi. “Text of Plan Dalet (Plan D).” *Journal of Palestinian Studies* 18, no. 1 (1988): 24-35.

- Destruction of villages (setting fire to, blowing up, and planting mines in the debris), especially those population centers which are difficult to control continuously.
- Mounting search and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the armed force must be destroyed and the population must be expelled outside the borders of the state.

Each unit was issued its own list of villages and neighborhoods to target in keeping with the master plan.⁵⁰ In executing the plan, the mass expulsion was accompanied by imprisonment, massacres and rape.⁵¹

*“The cleansing of Palestine remains the prime objective of Plan Dalet.”*⁵²

David Ben Gurion, May 1948

Deir Yassin

At dawn on April 9, 1948, the Irgun and Stern Gangs, led by Menachem Begin and Yitzhak Shamir, attacked the village of Deir Yassin.⁵³ They blew up houses with their inhabitants inside, executed men, women and children at close range, and dumped many of the bodies into wells and into the nearby quarry. Some of the villagers were able to fight back and wound some of the attackers, but the Zionist Palmach shock troops came to the aid of the Irgun and Stern Gangs. Some of the captured villagers were loaded onto trucks to be paraded through the streets of Jerusalem in a victory procession before returning and executing them.⁵⁴ The Irgun and Haganah used mobile loudspeakers to broadcast news of the massacre at Deir Yassin into the Arab areas of the major cities.⁵⁵

Similar scenarios were enacted in other parts of Palestine. Most of these operations were marked by atrocities—a fact which led Aharon Zisling, the Minister of Agriculture, to tell the Israeli cabinet in November 1948: *“I couldn’t sleep all night. I felt that things that were going on were hurting my soul, the soul of my family and all of us here... Now Jews too have behaved like Nazis and my entire being has been shaken.”*⁵⁶

*“We created terror among the Arabs and all the villages around. In one blow, we changed the strategic situation.”*⁵⁷

Menachem Begin, shortly after the Deir Yassin massacre

⁵⁰ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 72.

⁵¹ Benny Morris, *1948: A History of the First Arab-Israeli War* (New Haven: Yale University Press, 2008) 328, 345, 404-6.

⁵² Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld Publications Limited, 2011), 128.

⁵³ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 58.

⁵⁴ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 58.

⁵⁵ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 58.

⁵⁶ Vidal, Dominique. “The Expulsion of the Palestinians Re-examined.” *Le Monde diplomatique*, December 1997.
<http://mondediplo.com/1997/12/palestine>

⁵⁷ Shackle, Samira. “Deir Yassin Remembered.” *Middle East Monitor*. April 9, 2014.
<https://www.middleeastmonitor.com/articles/middle-east/5689-deir-yassin-remembered>

5. Refugees

By 1949, close to 800,000 Palestinians had been driven out of their homes.⁵⁸ Israeli historian Ilan Pappé has tabulated 531 villages that were destroyed.⁵⁹ New Israeli towns were founded on many of the sites.⁶⁰

According to Israeli propaganda, the Palestinians had left of their own accord, or under orders from Arab leaders.⁶¹ The propaganda cited “Arab broadcasts” instructing people to move away so that Arab armies could “operate without interference.”⁶² In fact, examination of U.S. and British intelligence records demonstrates that Arab broadcasts were instructing the population to stay put, not asking people to leave.⁶³ Israeli forces, meanwhile, were using threats, violence, and murder to force many Palestinians to leave their homes.

Before the war was over, the Israeli government took steps to prevent Palestinians from returning to their homes. In August 1948, a “Transfer Committee” was created to supervise the destruction of the emptied Arab villages and/or their repopulation with recent Jewish immigrants.⁶⁴ In December 1948, Israel passed the “Absentee Law,” giving legal cover to the confiscation of Palestinian properties whose owners had been expelled.⁶⁵

Some of the Palestinian refugees were forced elsewhere in Palestine.⁶⁶ Most were forced out of the country altogether.⁶⁷ The U.N. set up refugee camps in Jordan, Syria, Lebanon, and inside the Palestinian areas administered by Jordan and Egypt.⁶⁸

When refugees tried to cross the border back to their homes, Israel treated them as criminal infiltrators and launched violent reprisals against locations in Jordan, Syria, and Egyptian-controlled Gaza.⁶⁹ Several Israeli historians and others have concluded that not until 1953, after several years of being violently excluded and attacked by Israel, did Palestinian refugees begin infiltrating Israel to engage in violent resistance.⁷⁰

It is sometimes claimed that Israel absorbed Jewish refugees from Arab countries “in exchange” for Palestinian refugees. However, Palestinians were driven out starting in 1947, whereas the movement of Jewish populations from Arab countries did not begin until after the founding of Israel in 1948, with most of the movement happening in 1949 and later.⁷¹ Israel solicited Jews from Arab countries, even arranging for their transport and promising opportunities that were later not available. Both the inviting of Jews from Arab countries and the expulsion of Palestinians from Palestine served the Zionist goal of establishing a Jewish majority in the new nation of Israel.

⁵⁸ Edward W. Said, “Introduction,” in *Blaming the Victims: Spurious Scholarship and the Palestinian Question*, ed. Edward W. Said and Christopher Hitchens (London: Verso, 2001), 3.

⁵⁹ Pappé, Ilan. “The 1948 Ethnic Cleansing of Palestine.” *Journal of Palestinian Studies* 36, no. 1 (2006): 6-20.

⁶⁰ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987), 155.

⁶¹ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 84-5.

⁶² Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 85.

⁶³ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 87.

⁶⁴ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 103-4.

⁶⁵ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 106.

⁶⁶ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 216.

⁶⁷ Simha Flapan, *The Birth of Israel: Myths and Realities* (New York: Pantheon Books, 1987), 216.

⁶⁸ United Nations High Commissioner for Refugees, *The United Nations and Palestinian Refugees* (Switzerland: UNHCR, 2007), 4, <http://www.unrwa.org/userfiles/2010011791015.pdf>.

⁶⁹ John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 154.

⁷⁰ Baylis Thomas, *How Israel Was Won: A Concise History of the Arab-Israeli Conflict* (Lanham: Lexington Books, 1999), 106.

⁷¹ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 82; see also: John Quigley, *Palestine and Israel: A Challenge to Justice* (Durham: Duke University Press, 1990), 100-102.

U.N. Security Council Resolution 194 declared that “refugees wishing to return to their homes should be permitted to do so at the earliest practicable date and that those choosing not to return should be compensated for their property.” Since 1949, both the General Assembly and Security Council of the U.N. have passed numerous resolutions criticizing Israel. Many of these have called for the return of Palestinian refugees, and the end of the Israeli occupation of the West Bank and Gaza. The Israeli government, while using Resolutions 181 and 194 as a legal basis for founding its state, has rejected all other U.N. resolutions as non-binding.

Palestinians are one of the largest and longest suffering groups of refugees in the world. Over 4.5 million Palestinian refugees are registered with the U.N., and many more are unregistered. Many still carry keys to the homes from which they were expelled in 1948.

6. The 1967 War

Border skirmishes and instability increased after Israel refused to allow Palestinian refugees to return to their homes.⁷² In 1956, Israel invaded Egypt in tandem with a French-British attack on the Suez Canal, but was forced to retreat by U.S. President Eisenhower.⁷³ Palestinians who had managed to remain inside Israel lived under harsh martial law until 1966. Israel became increasingly militarized and Arab governments continued making threats that were more for local consumption and not supported by any serious military capability or plans.⁷⁴ The Israeli military created provocations in what was designated by the U.N. as a demilitarized zone between Israel and Syria.⁷⁵

In 1967, violent rhetoric on both sides had escalated to the point where both the Arab countries and Israel had reason to fear invasion by the other.⁷⁶ Egypt, though participating in diplomatic initiatives with the U.S., also moved troops into defensive position in the Sinai Peninsula.⁷⁷

On June 5, Israel launched a surprise attack on Egypt.⁷⁸ Israel called it a preemptive strike, though Israeli military and government leaders have since admitted that they knew there was no military necessity for the attack.⁷⁹ Five days later, Israel had achieved all its territorial objectives, including occupying the West Bank and Gaza.⁸⁰

As a result, 300,000 more Palestinians were driven out of Palestine to become refugees.⁸¹ Israel immediately began demolishing Palestinian homes for Israeli settlements.⁸² Some Israeli government officials spoke of returning part but not all of the conquered territories, but others insisted that the conquered territories would remain part of Israel forever.⁸³ In response, eight Arab countries issued the Khartoum Resolution, refusing to negotiate with Israel.⁸⁴

“...the entire story of the danger of extermination was invented of whole cloth and exaggerated after the fact to justify the annexation of new Arab territories.”⁸⁵

Mordecai Bentov, Israeli Cabinet Minister –June 1972

“I do not believe that Nasser wanted war. The two divisions he sent into Sinai on May 14 would not have been enough to unleash an offensive against Israel. He knew it and we knew it.”⁸⁶

Yitzhak Rabin, Chief of Staff (and later Prime Minister) –February 1968

“In June 1967, we again had a choice... We must be honest with ourselves. We decided to attack him.”⁸⁷

⁷² Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 260.

⁷³ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 296-97.

⁷⁴ Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 132.

⁷⁵ Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 131.

⁷⁶ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 303-04.

⁷⁷ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 302-03.

⁷⁸ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 313.

⁷⁹ Noam Chomsky, *The Fateful Triangle: The United States, Israel & The Palestinians* (Boston: South End Press, 1983), 100.

⁸⁰ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 329.

⁸¹ Palestinian Academic Society for the Study of International Affairs, “Palestinian Refugees,” (Jerusalem: PASSIA Publication, 2004).

⁸² Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 332-333.

⁸³ Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881-2001* (New York: Vintage Books, 2001), 333-334.

⁸⁴ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 152.

⁸⁵ John B. Quigley, *The Case for Palestine: An International Law Perspective* (Durham: Duke University Press, 1990), 170.

⁸⁶ Norman G. Finkelstein, *Image and Realty of the Israel-Palestine Conflict* (London: Verso, 2003), 134.

⁸⁷ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 134-135.

Menachem Begin, Israeli Cabinet Minister (later Prime Minister) –August 1982

USS Liberty

On June 8, 1967, Israeli air and naval forces attacked the U.S. Navy intelligence ship, USS Liberty, on the Mediterranean Sea. The USS Liberty was identified as a U.S. naval ship nine hours before the attack by Israeli reconnaissance aircraft and continuously tracked by Israeli radar and aircraft thereafter.⁸⁸ The ship was sailing in international waters at less than five knots,⁸⁹ with no offensive armament. Israeli forces attacked without warning and without attempting contact,⁹⁰ killing 34 U.S. sailors and wounding 174 more. Though the U.S. government has never formally accepted the Israeli story that it was an accident, no investigation was mounted, and the survivors were prohibited from telling their story.

“Message intercepts by the USS Liberty made it clear that Israel had never intended to limit its attack to Egypt. Furthermore, we learned that the Israelis were themselves intercepting communications among Arab leaders. The Israelis then retransmitted ‘doctored’ texts to encourage Jordan and Syria to commit their armies in the erroneous belief that Nasser’s army had repelled the Israeli invaders. To destroy this incriminating evidence, Moshe Dayan [Israeli Minister of Defense] ordered his jets and torpedo boats to destroy the Liberty immediately.”⁹¹

--Wilbur Crane Eveland, CIA operative in the Middle East during 1967

⁸⁸ Lieutenant Commander Jacobsen, Walter L. “A Juridical Examination of the Israeli Attack on the USS Liberty.” *Naval Law Review* 36 (1986): 79-80. Available at <http://www.gtr5.com/commentary/A%20Juridical%20Examination%20of%20the%20Israeli%20Attack%20on%20the%20USS%20L1..pdf>

⁸⁹ Clifford, Clark M. “The Israeli Attack on the USS Liberty.” *President’s Foreign Intelligence Advisory Board*. July 18, 1967. 1. <http://www.thelibertyincident.com/clifford.html>

⁹⁰ Clifford, Clark M. “The Israeli Attack on the USS Liberty.” *President’s Foreign Intelligence Advisory Board*. July 18, 1967. 3.

⁹¹ Wilbur Crane Eveland, *Ropes of Sand: America’s Failure in the Middle East* (New York: W.W. Norton, 1980) 325

7. Occupation

After the victory of 1967, Israel illegally annexed East Jerusalem to become a part of the State of Israel.⁹² The other conquered areas – the West Bank and the Gaza Strip -- have never been formally annexed and so the 3.5 million Palestinians who remain there are not citizens of any country but have remained subjects of an illegal military occupation.⁹³

Under military occupation, Palestinians in the West Bank and Gaza Strip are subject to Israeli military laws. These laws closely resemble—and in some cases are exactly the same as—the apartheid laws of old South Africa. Under military occupation⁹⁴:

- Palestinians have no right of free speech
- They can be arrested without warrant or charge
- They can be held in jail indefinitely without charge or trial
- They are routinely tortured during interrogation
- Their freedom of movement is severely controlled and
- They can be expelled from the country with no due process⁹⁵
- Palestinian homes can be entered and searched without warrants

Despite the creation of the Palestinian National Authority (PNA), the Israeli military governor remains the highest authority in the Occupied Territories.⁹⁶

By suppressing Palestinian industry inside the West Bank and Gaza Strip⁹⁷, Israel has kept Palestinians as a cheap labor force for Israeli industry and construction, before finally closing borders and removing even that source of income.

Since 1993, Israel has regularly implemented massive closures within the West Bank, preventing Palestinians from going to their own cities for work, as well as depriving them of access to hospitals, social services, and cultural and religious centers in Jerusalem.⁹⁸

Taxation Without Representation

Palestinians living in the West Bank and Gaza, though not allowed to vote in Israeli elections, are forced to pay taxes to the Israeli government.⁹⁹ Their tax revenues are primarily spent inside Israel, not in the West Bank or Gaza. During the first Intifada, 1987-1993, many Palestinians refused to pay taxes to Israel as a

⁹² Tanya Reinhart, *Israel/Palestine: How to End the War of 1948* (New York: Seven Stories Press, 2002), 34.

⁹³ Tanya Reinhart, *Israel/Palestine: How to End the War of 1948* (Seven Stories Press, 2002), 8.

⁹⁴ Weil, Sharon. "The judicial arm of the occupation: the Israeli military courts in the occupied territories." *International Review of the Red Cross* 89, no. 866 (June 2007): 395-419

⁹⁵ Edward W. Said and others, "A Profile of the Palestinian People," in *Blaming the Victims: Spurious Scholarship and the Palestinian Question*, ed. Edward W. Said and Christopher Hitchens (London: Verso, 2001), 252.

⁹⁶ Text: 1993 Declaration of Principles." *BBC News*. Article VIII and Annex III. November 29, 2001.
http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm

⁹⁷ Yanai, Daniela. "The Materiality of Subordination in the Israeli Occupation of the West Bank and Gaza." *University of California, Berkley, School of Law*. 2001.
http://www.law.berkeley.edu/HRCweb/pdfs/fellow-report01_dyanai.pdf

⁹⁸ "Checkpoints, Physical Obstructions, and Forbidden Roads." *B'Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. March 11, 2014.

⁹⁹ "Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip." *United Nations Special Council for the Middle East Peace Process*. September 28, 1995. Article XVII.
<http://www.unsco.org/Documents/Key/Israeli->

form of nonviolent resistance to the Occupation.

“Why do we not pay our taxes? First, the military authority does not represent us, and we did not invite them to come on our land. Second, the collected taxes are used to increase the harsh measures against our people. Must we pay for the bullets that kill our children?”

-- Statement by residents of Beit Sahour, 1987.¹⁰⁰

Gaza

In 2005, the Israeli government moved approximately 8,000 Israeli settlers out of Gaza (many of whom relocated to settlements in the West Bank) and redeployed Israeli military forces to the border.¹⁰¹ The government of Israel tried to present this as an end to the Israeli occupation of Gaza. However:-- Israel still controls Gaza's airspace, sea shore, borders and border crossings, including Gaza's border with Egypt. It has used its ability to restrict products entering or leaving Gaza, causing shortages of critically needed items, including medical and hospital supplies.¹⁰² -- Israeli soldiers still enter Gaza at any time and for any reason.¹⁰³ Over 400 Palestinians were killed by Israeli soldiers in the second half of 2006 in Gaza alone.¹⁰⁴ -- Israel still controls Gaza's electricity and water, and has used the ability to shut them off as a punitive measure.¹⁰⁵ -- Israel still has veto power over any legislation passed by the Palestinian Authority in Gaza and the West Bank.¹⁰⁶

As defined by The Hague Regulations of 1907 and the Nuremberg Tribunal of 1948, this “effective control” of the territory still constitutes occupation,¹⁰⁷ and Palestinians have continued to resist. Israel has reduced Gaza to little more than a large open-air prison under constant siege and the Israeli military continues to invade Gaza, bombard civilian neighborhoods and infrastructure, and carry out targeted assassinations, all the while strengthening the military occupation of the West Bank with an ever-increasing network of checkpoints, walls and illegal settlements.

Dov Weisglass, Ariel Sharon's chief advisor, stated publicly that “*the significance of the [Gaza] disengagement plan is the freezing of the peace process... Effectively, this whole package called the Palestinian state, with all that it entails, has been removed indefinitely from our agenda.*”¹⁰⁸

Palestinian%20Interim%20Agreement%20on%20the%20West%20Bank%20and%20the%20Gaza%20Strip.pdf

¹⁰⁰ As recorded by Edward Mast on visit to Palestine

¹⁰¹ “Israel completes Gaza withdrawal.” BBC News. September 12, 2005.

http://news.bbc.co.uk/2/hi/middle_east/4235768.stm

¹⁰² Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 174.

¹⁰³ “Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip.” United Nations Special Council for the Middle East Peace Process. September 28, 1995. Article XII.

<http://www.unsco.org/Documents/Key/Israeli-Palestinian%20Interim%20Agreement%20on%20the%20West%20Bank%20and%20the%20Gaza%20Strip.pdf>

¹⁰⁴ “Israeli-Palestinian Fatalities Since 2000-Key Trends.” United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian Territory. August 31, 2007.

<http://unispal.un.org/unispal.nsf/0/be07c80cda4579468525734800500272?OpenDocument>

¹⁰⁵ “Israel threatens to cut Gaza power, water over rockets.” |ABC News, Australia. September 4, 2007.

<http://www.abc.net.au/news/2007-09-04/israel-threatens-to-cut-gaza-power-water-over/660074>

¹⁰⁶ Norman G. Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 2003), 175.

¹⁰⁷ “Occupation.” International Committee of the Red Cross. November 6, 2012.

<http://www.icrc.org/eng/war-and-law/contemporary-challenges-for-ihl/occupation/overview-occupation.htm> AND Ferraro, Tristan. “Determining the beginning and end of an occupation under international humanitarian law.” *International Review of the Red Cross*. Volume 94, Number 885. Spring 2012. 141.

<http://www.icrc.org/eng/assets/files/review/2012/irrc-885-ferraro.pdf>

¹⁰⁸ Shavit, Ari. “Top PM aide: Gaza plan aims to freeze the peace process.” *Haaretz*. October 6, 2004.

<http://www.haaretz.com/print-edition/news/top-pm-aide-gaza-plan-aims-to-freeze-the-peace-process-1.136686>

Israel has never stopped attacking Gaza, and on several occasions has escalated violence into full-scale military assaults. On November 4 2008, Israel violated an ongoing ceasefire by invading Gaza and killing 6 Palestinians. Palestinians responded by firing rockets, causing no casualties. Israel used this as pretext to launch Operation Cast Lead on December 27, 2008. During the assault, Israeli forces killed over 1,400 Palestinians, mostly non-combatants and including over 400 children. Illegal weapons such as white phosphorous were used. Over 5,000 Palestinians were injured, and much of Gaza's infrastructure and agriculture were destroyed. Thirteen Israelis were killed, four of them by Israeli fire.

Israel continued regular attacks on Gaza, killing 271 Palestinians between Feb. 2009 and Oct. 2012. In November 2012, in another assault, Operation Pillar of Defense, Israel killed almost 200 more Palestinians.

In April 2014, in response to the announcement of a Palestinian unity government, Israel launched air strikes on Gaza. On May 15, Israeli soldiers shot and killed two unarmed Palestinian teenagers in the West Bank. The retaliation killing of three Israeli settlers in June was exploited by Israel to encourage hate crimes against Palestinians and to launch an assault on the West Bank, killing, wounding and arresting more Palestinians. Palestinians responded by firing primitive rockets from Gaza. Israel used the rocket fire as pretext to launch yet another major assault on Gaza starting on July 8 and lasting for 50 days. During Operation Protective Edge, Israel's forces bombed schools, hospitals, UN-designated shelters, Gaza's only power plant, and Gaza's water purification system. More than 2,000 Palestinians, mostly civilians and including over 500 children, were killed. The assault left many people in Gaza without electricity or heat that winter.

"If we kill their families, that will frighten them."
-- Israeli Major-General Oren Shachor¹⁰⁹

¹⁰⁹ haaretz.com/opinion/.premium-1.604653

8. Settlements, Checkpoints and the Wall

4th Geneva Convention, Article 49:

*“The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.”*¹¹⁰

Settlements

Beginning in 1967 and accelerating to the present day, the Israeli government has given financial incentives to Israeli Jewish citizens, as well as Jews living elsewhere, to move to “settlements” in the West Bank.¹¹¹ Palestinian farmland and homes are routinely confiscated and demolished to make room for these Israeli-only settlements, along with Israeli-only highways to connect settlements to each other and to Israel proper.

Israeli settlers live under a separate set of laws from their Palestinian neighbors. Since the settlers are citizens of Israel, they possess the civil and human rights that are denied to Palestinians under the Israeli occupation.

Though settlements are illegal under the Fourth Geneva Convention¹¹², the Israeli government continues to subsidize the building of these settlements, which are placed strategically to divide, scatter, and even abolish areas of Palestinian residence. There is wide agreement that the settlements are a major obstacle to peace.

Water

The western hills of the West Bank contain one of the major aquifers in the region, but Palestinians under Israeli occupation are allowed to consume only 11% of their natural water resources, while Israel consumes 89% of the West Bank’s water.¹¹³ In the West Bank and Gaza Strip, per capita consumption is estimated at 60 liters per day, while in Israel it is approximately 280 liters per day.¹¹⁴

Travel restrictions imposed across the West Bank and Gaza also severely affect Palestinians’ access to fresh water. A number of settlements were deliberately constructed over key water resources, which are then confiscated for Israel by the Annexation Wall.

Checkpoints

In early 1993, even before the Oslo Accords created so-called Palestinian zones, the Israeli army began placing checkpoints throughout the West Bank and Gaza.¹¹⁵ There are now more than 600, according to the U.N.¹¹⁶ Some of these checkpoints are like international borders, except that Israelis pass through freely

¹¹⁰ “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.” *International Committee of the Red Cross*. August 12, 1949. <http://www.icrc.org/ihl/WebART/380-600056>

¹¹¹ “Israeli gov’t offers incentives to settlers.” *CBS News*. January 31, 2012. <http://www.cbsnews.com/news/israeli-govt-offers-incentives-to-settlers/>

¹¹² “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.” *International Committee of the Red Cross*. August 12, 1949. <http://www.icrc.org/ihl/WebART/380-600056>

¹¹³ “West Bank and Gaza: Assessment of Restrictions on Palestinian Water Sector Development.” *World Bank*. April 2009. <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WaterRestrictionsReportJuly2009.pdf>

¹¹⁴ “West Bank and Gaza: Assessment of Restrictions on Palestinian Water Sector Development.” *World Bank*. April 2009. <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WaterRestrictionsReportJuly2009.pdf>

¹¹⁵ “Checkpoints, Physical Obstructions, and Forbidden Roads.” *B’Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. March 11, 2014. http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads

¹¹⁶ “Movement and Access in the West Bank.” *United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian Territory*. September 2011. <http://unispal.un.org/UNISPAL.NSF/0/8F5CBCD2F464B6B18525791800541DA6>

and Palestinians are detained. Only 29 of these are on the Green Line (the pre-1967 border between the Occupied Territories and Israel), with the rest scattered throughout the Occupied Palestinian Territories themselves, making it impossible for Palestinians to travel from one village or city to another without passing through a security zone manned by a hostile Israeli army.¹¹⁷ The system of checkpoints strangles the West Bank's economy, leading to increasing levels of unemployment and poverty.

The Annexation Wall

In the spring of 2002¹¹⁸, the Israeli military began constructing a physical barrier to separate the West Bank from Israel. However, most of this barrier, often called the Annexation Wall, is not being built on the Green Line, but deep inside the West Bank. Its snaking route fences Palestinians away from major water sources and large tracts of their most fertile farmland, dividing villages, separating people from hospitals and schools, and leaving over 200,000 Palestinians on the Israeli side of the Wall but still without the rights of Israeli citizens.¹¹⁹ The International Court of Justice ruled in June 2004 that the route of the Wall is illegal and must be changed or dismantled.¹²⁰ The Israeli Supreme Court has also ruled in more than one case that parts of the Wall are placed illegally and must be moved or dismantled.¹²¹ However, no enforcement has been provided for these decisions.

A traveler from the United States reported that *“the 8 mile trip from Ramallah to Jerusalem took two and a half hours. In Ramallah, the Wall is 25 feet high, and the Israeli checkpoint is like an airport security station, though far less efficient. We lined up for a long time with Palestinians at a remote-controlled 8-foot turnstile where people had to crowd like cattle and wait for a green light to get as many through as possible before the light turned red. Once past x-ray security and more turnstiles, we boarded shared taxis for what should have been a short ride to Jerusalem. However, the Israeli military had set up an additional temporary “flying checkpoint” some 500 meters down the road, forcing several lanes of traffic down to a single lane for stopping and searching. That 500 meters took almost an hour. How do people get anywhere? How does anyone do business?”*¹²²

*“You know, it's not by accident that the settlements are located where they are...Come what may, we have to hold the western security area, which is adjacent to the Green Line, and the eastern security area along the Jordan River and the roads linking the two. And Jerusalem, of course. And the hill aquifer.”*¹²³

- Ariel Sharon - 12 April, 2001

¹¹⁷ “Checkpoints, Physical Obstructions, and Forbidden Roads.” *B'Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. March 11, 2014.

http://www.btselem.org/freedom_of_movement/checkpoints_and_forbidden_roads AND “Key Maps.” *BBC News*.

http://news.bbc.co.uk/2/shared/spl/hi/middle_east/03/v3_israel_palestinians/maps/html/1967_and_now.stm

¹¹⁸ “Mara'abe v. The Prime Minister of Israel.” *The State of Israel: The Judicial Authority*. June 21, 2005. 3.

http://elyon1.court.gov.il/files_eng/04/570/079/a14/04079570.a14.pdf

¹¹⁹ “Humanitarian Impact of the West Bank Barrier on Palestinian Communities.” *United Nations Office for Coordination of Humanitarian Affairs*. March 2005. http://www.ochaopt.org/documents/OCHABarRprt05_Full.pdf

¹²⁰ “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory.” *International Court of Justice*. 7, Observations 28-31. November 24, 2003.

¹²¹ “Mara'abe v. The Prime Minister of Israel.” *The State of Israel: The Judicial Authority*. June 21, 2005. 63.

http://elyon1.court.gov.il/files_eng/04/570/079/a14/04079570.a14.pdf and “Beit Sourik Village Council v. 1. The Government of Israel 2. The Commander of IDF forces in the West Bank” *The State of Israel: The Judicial Authority*. May 2, 2004. 45. http://elyon1.court.gov.il/files_eng/04/560/020/a28/04020560.a28.pdf

¹²² As recorded by Edward Mast on visit to Palestine

¹²³ “Sharon Speaks.” *Foundation for Middle East Peace*. Settlement Report, May-June 2001. Volume 11, Number 3. <http://www.fmep.org/reports/archive/vol.-11/no.-3/sharon-speaks>

9. Jerusalem

Under the 1947 United Nations Partition Plan, Jerusalem was declared a ‘corpus separatum’ to be placed under a special international regime administered by the U.N.¹²⁴ Israeli forces captured 85% of the city, mainly in the west, during the 1948 war while the Jordanian army took control of 11% of the city, in the east, and 4% was considered ‘no-man’s land’.¹²⁵ Over 60,000 Palestinians were forcibly expelled from their homes in West Jerusalem and 40 of the surrounding villages, which were destroyed by Israeli forces to prevent the return of their inhabitants.¹²⁶ Israel declared West Jerusalem its capital in 1949, in contravention of U.N. General Assembly Resolutions 181 and 303.¹²⁷

East Jerusalem was occupied by Israel during the 1967 war, and Israel immediately expanded the boundaries of Jerusalem by annexing another large section of the West Bank into the municipal boundaries of West Jerusalem. In 1980, in contravention of international law, the Israeli government officially annexed East Jerusalem by amending Israel’s “Basic Law” to extend Israeli jurisdiction to the occupied area of the city.¹²⁸

Since 1967, Israel has implemented policies attempting to drive out Palestinians and establish exclusive Israeli control of the city. Israeli leaders often refer to Jerusalem as “the eternal and undivided capital of the Jewish state.”¹²⁹ Policies include the confiscation of Palestinian land, demolishing of Palestinian homes, denial of building permits and residency rights, discriminatory budget allocations, and physical isolation of Jerusalem from the West Bank through the construction of settlements and the Annexation Wall. To facilitate easy access for the illegal settler communities of East Jerusalem, a ring road is being built, connecting the various settlements to one another and to Jerusalem while encircling Palestinian neighborhoods. Some 230,000 Palestinian Jerusalemites will be severed from social and economic networks in the West Bank if they choose to remain in Jerusalem, or else face permanently losing their Jerusalem resident status.

The U.N. recognizes East Jerusalem as occupied territory and therefore rejects Israeli sovereignty over it. U.N. Security Council Resolution 476 of 1980 “recommends that all actions taken by Israel, the Occupying Power, which purport to alter the character and status of Jerusalem have no legal validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East.”¹³⁰

¹²⁴ “Resolution 181 (II). Future government of Palestine.” *The United Nations Information System on the Question of Palestine*. November 29, 1947. Part 3, Section A. <http://unispal.un.org/unispal.nsf/0/7F0AF2BD897689B785256C330061D253>

¹²⁵ “Key Maps.” *BBC News*. http://news.bbc.co.uk/2/shared/spl/hi/middle_east/03/v3_israel_palestinians/maps/html/1967_and_now.stm

¹²⁶ “Jerusalem Declared Israeli-Occupied City-Government Proclamation.” *Israel Ministry of Foreign Affairs*. August 12, 1948. <http://web.archive.org/web/20051027170144/http://www.mfa.gov.il/MFA/Foreign+Relations/Israels+Foreign+Relations+since+1947/1947-1974/2+Jerusalem+Declared+Israel-Occupied+City-+Governm.htm>

¹²⁷ “Prime Minister’s Statement Concerning Jerusalem and the Holy Places.” *The Jerusalem Center for Public Affairs*. December 5, 1949. <http://www.jcpa.org/art/knesset4.htm> AND “Resolution 181 (II). Future government of Palestine.” *The United Nations Information System on the Question of Palestine*. November 29, 1947. Part 3, Section A. AND “Resolution 303 (IV). Palestine: Question of an international regime for the Jerusalem area and the protection of the Holy Places.” *The United Nations Information System on the Question of Palestine*. December 9, 1949. <http://unispal.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/2669d6828a262edb852560e50069738a?OpenDocument&Highlight=0,Resolution,303>

¹²⁸ “Israel’s Basic Law: Jerusalem, Capital of Israel, 30 July 1980.” *Birzeit University Institute of Law*. July 30, 1980. <http://muqtafi.birzeit.edu/InterDocs/images/275.pdf>

¹²⁹ “Israel’s Basic Law: Jerusalem, Capital of Israel, 30 July 1980.” *Birzeit University Institute of Law*. July 30, 1980. <http://muqtafi.birzeit.edu/InterDocs/images/275.pdf>

¹³⁰ “Resolution 476 (1980).” *The United Nations Information System on the Question of Palestine*. June 30, 1980. <http://unispal.un.org/UNISPAL.NSF/0/6DE6DA8A650B4C3B852560DF00663826>

10. The “Peace Process”

Many people hoped that the Oslo Peace Accords, signed in September 1993, would bring justice to Palestine and Israel. Unfortunately, this interim peace plan only created “autonomous zones” – scattered areas of limited Palestinian authority still under Israeli military, political and economic control. The Oslo Accords created a Palestinian National Authority (PNA) with no real control over Palestinian affairs, mandated to protect Israelis from Palestinians but with no authority or power to protect Palestinians from Israeli settler or military violence.¹³¹

Under Prime Minister Yitzhak Rabin, the Israeli government immediately violated the agreement by accelerating its confiscation of Palestinian land for Israeli settlements. During the following eight years, the Israeli settler population doubled.¹³²

The Camp David II talks of summer 2000 were promoted as containing generous new offers by Israeli Prime Minister Ehud Barak. In fact, Barak proposed nothing more than non-contiguous islands of land, surrounded and subdivided by Israeli settlements and settler highways. Instead of any real sharing of Jerusalem, only tiny locations on the outskirts of what Israel considered “Greater Jerusalem” were offered for limited Palestinian control. A token offer of return was made for a few thousand Palestinian refugees. Barak’s offers were intended as the final status agreement, but contained neither independence nor self-determination for the Palestinian people.¹³³ Meanwhile, during Barak’s administration, Israeli settlement building accelerated.

The U.S. government has consistently supported Israel and Israeli policy, giving several billions of dollars of aid each year to Israel in the form of direct aid, weapons shipments, loan guarantees, and weapons contracts.¹³⁴ The U.S. government has repeatedly vetoed U.N. Security Council resolutions critical of Israel, and has pressured other countries to refrain from reprimanding Israel for its policies or actions. In spite of this clear bias, the U.S. government insists on acting as the primary, and often sole, broker for continued Israeli-Palestinian negotiations.¹³⁵

In 2003, the US proposed a vague and contradictory “Road Map to Peace”. This proposal, though calling for a Palestinian state and the dismantling of some Israeli settlements, fails effectively to address Palestinian human rights, Israeli violence, the imbalance of power, the right of return, and other key issues that must be resolved in order to reach a just peace. The government of Israel first refused to accept the plan, and then demanded a long list of revisions, including removing the phrase “Palestinian state” and replacing it with “Palestinian entity”.¹³⁶

The government of Israel is meanwhile pursuing a unilateral policy which would turn the Annexation Wall

¹³¹ “Text: 1993 Declaration of Principles.” *BBC News*. Article VIII and Annex III. November 29, 2001.

http://news.bbc.co.uk/2/hi/in_depth/middle_east/israel_and_the_palestinians/key_documents/1682727.stm

¹³² “Israeli Settlements: Population Growth and Concentration-1995-2011.” *ReliefWeb*. January 10, 2014.

<http://reliefweb.int/map/occupied-palestinian-territory/israeli-settlements-population-growth-and-concentration-1995-2011>

¹³³ Malley, Robert. “Fictions About the Failure at Camp David.” *The New York Times*. July 8, 2001.

<http://www.nytimes.com/2001/07/08/opinion/fictions-about-the-failure-at-camp-david.html?pagewanted=all&src=pm>

¹³⁴ “U.S. Foreign Aid to Israel.” *Federation of American Scientists*. April 11, 2013.

<http://www.fas.org/sgp/crs/mideast/RL33222.pdf>

¹³⁵ “U.S. Vetoes of Resolutions Critical to Israel.” *Jewish Virtual Library*.

<https://www.jewishvirtuallibrary.org/jsource/UN/usvetoes.html>

¹³⁶ “A Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict.” *United Nations*. June 24, 2002. <http://www.un.org/News/dh/mideast/roadmap122002.pdf>

into the permanent western border between Israel and a Palestinian “entity”, while also annexing the Jordan Valley as a “security zone” on the east side of the West Bank. The plan would remove some 60,000 Israeli settlers from scattered outposts in the West Bank, while consolidating and annexing the rest of the Israeli settlements with the total population of 370,000. This would leave Palestinians imprisoned on something less than 40% of the West Bank, divided into two or more non-contiguous reservations.¹³⁷

The Palestinian Generous Offer: 78% of Historic Palestine

In the 1970s, the Palestine Liberation Organization (PLO) began offering an historic compromise: Israeli sovereignty on 78% of historic Palestine, and a Palestinian state on the remaining 22% , comprising the West Bank and Gaza, as called for by U.N. Security Council Resolutions 242 and 338, with the right of return or compensation for Palestinian refugees recognized and implemented according to U.N. Resolution 194. This offer became a formal part of the PLO platform in 1988. Israel responded by calling this a dangerous “peace offensive” and began encouraging Hamas and other groups to undermine the PLO. Nonetheless, both the PLO and the PNA have stood by this offer for decades.¹³⁸

Though most Palestinians in the West Bank and Gaza Strip have supported this proposal for years, many are becoming dissatisfied with it. The Annexation Wall, the permanent structures of many of the checkpoints, and the ever-expanding network of Israeli settlements, along with the ongoing battering and dismantling of Palestinian infrastructure, have made it difficult to see how a viable Palestinian state can be developed in the remains of the occupation.

Hamas

In the internationally-monitored Palestinian election of 2006, a majority of seats in the Palestinian Authority were won by Hamas, a political militant organization whose charter calls for an Islamic state in all of historic Palestine.¹³⁹ In the early days of Hamas, the government of Israel encouraged the growth of the organization, hoping to create internal conflict and undermine secular resistance movements such as the PLO. Hamas’ rise to power in the Palestinian Authority has nonetheless created grave concerns in Israel.

However, even before the election, Hamas had been moderating its platform. For years Hamas officials have stated that Hamas would negotiate a two-state peace solution if Israel will end the occupation and withdraw fully to pre-1967 borders.¹⁴⁰ The militant wing of Hamas declared a unilateral cease-fire early in 2005, which lasted well into 2006, despite continued Israeli assassinations and murders of Palestinian civilians.¹⁴¹ More recently, Hamas has stated its willingness to recognize the right of Israel to exist once Israel recognizes the right of a Palestinian state to exist.

The government of Israel, with U.S. government support, has refused to negotiate with the Hamas-led Palestinian Authority. The governments of Israel, the U.S., and the European Union have initiated an embargo of funding, supplies and fuel to the West Bank and Gaza Strip, accelerating an already-mounting

¹³⁷ “The Separation Barrier-Statistics.” *B’Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. July 16, 2012. http://www.btselem.org/separation_barrier/statistics

¹³⁸ “Arafat to Accept Israel’s Pre-’67 Borders, Aide Says.” *Los Angeles Times*. December 12, 1988. http://articles.latimes.com/1988-12-12/news/mn-4292_1_yasser-arafat

¹³⁹ Pina, Aaron D. “Palestinian Elections.” *Federation of American Scientists*. February 9, 2006. <http://www.fas.org/sfp/crs/mideast/RL33269.pdf>

¹⁴⁰ “Haniyeh: Hamas willing to accept Palestinian state with 1967 borders.” *Haaretz*. November 9, 2008. <http://www.haaretz.com/news/haniyeh-hamas-willing-to-accept-palestinian-state-with-1967-borders-1.256915>

¹⁴¹ “Hamas Offers Israel Ceasefire Bid, Report Says.” *The Washington Post*. April 7, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/07/AR2006040700137.html>

crisis of hunger and lack of medical supplies.¹⁴²

The U.S. and Israeli governments have encouraged anti-Hamas factions -- mainly Fatah, the previous ruling party -- to unseat Hamas, and have supplied weapons for a forceful takeover.¹⁴³ In June 2007, Hamas forces in Gaza mounted a surprise attack on a Fatah weapons stockpile and took control of the Gaza Strip. While falsely portrayed by Western media as a coup by Hamas, it was actually an attempt by Hamas to prevent a U.S./Israeli backed coup by Fatah.¹⁴⁴ At the same time, some Palestinians have reported excessive acts of punitive violence by members of Hamas during and following the attack.

¹⁴² Sharp, Jenny M. and Blanchard, Christopher M. "U.S. Foreign Aid to the Palestinians." *Foreign Press Centers*. June 27, 2006. <http://fpc.state.gov/documents/organization/68794.pdf>

¹⁴³ Al-Mughrabi, Nidal. "Six killed in Hamas ambush on Gaza convoy." *Reuters*. February 1, 2007.

¹⁴⁴ Amayreh, Kalid. "Did Hamas carry out a coup in Gaza in 2007?" *Middle East Monitor*. January 28, 2010. <https://www.middleeastmonitor.com/articles/middle-east/609-did-hamas-carry-out-a-coup-in-gaza-in-2007>

11. Palestinian Resistance

For over a century, Palestinians have resisted conquest and occupation both by nonviolent and armed struggle. Early in the 1900's Palestinians used mass demonstrations, general strikes and tax resistance to protest British support for the Zionist movement, along with armed struggle and open revolt.¹⁴⁵

After the disasters of 1948 and 1967, some Palestinians turned to militant actions which included the targeting of civilians. The majority of Palestinians resisted by practicing *sumoud*, meaning a steadfast refusal to leave their land, even when the oppression was most difficult.

In 1987, after decades of *sumoud* and failed hopes that the international community or the Palestinian leadership in exile might right the injustices of occupation and dispossession, Palestinians in the West Bank and Gaza took matters into their own hands in a widespread popular uprising.

The First *Intifada* ("shaking off" or "uprising") began in December 1987 after an Israeli vehicle ran down and killed four Palestinians in Gaza.¹⁴⁶ Organized through networks of neighborhood committees and unions, including women's organizations, the primarily nonviolent uprising spread throughout the Occupied Territories, challenging the Israeli military occupation with tax revolts, general strikes, boycotts, home education, "victory gardens" and protests. The First Intifada brought positive world attention to the Palestinian plight, and ended with the signing of the Oslo Accords. Many Palestinians hoped that their own nation-state was about to begin, but soon recognized they were mistaken, as settlement expansion continued.

On September 29, 2000, one day after Ariel Sharon's inflammatory visit to the Haram al-Sharif in Jerusalem --which contains the Dome of the Rock and the Al-Aqsa Mosque-- Israeli troops fired live ammunition into a crowd of unarmed Palestinian protestors in front of the Al-Aqsa Mosque. Four people were killed and many more wounded. Over the next few weeks, thirteen Palestinians were killed inside Israel when Israeli troops opened fire on other unarmed demonstrators.¹⁴⁷

Palestinians were already frustrated and angry at what they perceived as the lack of Israeli good-faith negotiations toward a just peace, and these killings ignited the Second Intifada, also known as the Al-Aqsa Intifada. The Israeli government responded with disproportionate and lethal force, often shooting demonstrators fatally in the head and attacking villages with American-made helicopters and rockets. The escalating violence of the Second Intifada claimed thousands of Palestinian lives and injured many more. Thousands were rounded up in mass arrests and held without charge.

Israeli military violence against Palestinian civilians escalated sharply in the period 2002-03, and included attacks on Palestinian cities. The PNA offices and police headquarters were destroyed, ending the Authority's already limited ability to administer its enclaves as provided under the Oslo Accords.¹⁴⁸ Thousands of homes were damaged or demolished, electricity and water were cut, and access to medical care was severely limited. Several years later, Israeli military vehicles continued to patrol Palestinian cities, restricting the movement of Palestinians by imposing curfews and checkpoints, demolishing homes, and carrying out assassinations and random killings.

¹⁴⁵ Bnny Morris. *Righteous Victims* (New York: Vintage Books, 2001), 124-145

¹⁴⁶ Bnny Morris. *Righteous Victims* (New York: Vintage Books, 2001), 573.

¹⁴⁷ "CNN's Jerrod Kessel on the continuing violence in the Mideast." *CNN.com*. September 29, 200.

<http://edition.cnn.com/chat/transcripts/2000/9/29/kessel/>

¹⁴⁸ Robert Fisk. *The Great War for Civilization: The Conquest of the Middle East* (New York: Vintage Books, 2005), 484.

Israeli state violence during its occupation of Palestinian land has been responsible for the great majority of deaths and injuries in the conflict. Much of this violence has been directed at unarmed civilians and meets the definition of terrorism, commonly understood as violence against civilians for a political purpose. One clear case of Israeli state terrorism, for example, occurred when an Apache helicopter dropped a one-ton bomb on an apartment building in Gaza City in 2002, killing 15 people including women and children.¹⁴⁹

The Israeli human rights organization B'Tselem reported in October 2001 that “the IDF continues to employ a policy of ‘an easy trigger-finger’ and demonstrates a disregard for human life,”¹⁵⁰ and in March 2002 that “In every city and refugee camp that they have entered, IDF soldiers have repeated the same pattern: indiscriminate firing and the killing of innocent civilians, intentional harm to water, electricity and telephone infrastructure, taking over civilian houses, extensive damage to civilian property, shooting at ambulances and prevention of medical care to the injured.”¹⁵¹

Israeli state terrorism has extended beyond its army and police actions to protecting the violence perpetrated by settlers. Israeli settlers, though civilians, are allowed to carry weapons in the Occupied Territories.¹⁵² Settlers confiscate homes, build roadblocks, shoot cars and water drums, and carry out brutal and lethal attacks on Palestinians. Though sometimes the Israeli army restrains settler violence, often they just stand by or even impose restrictions on Palestinians in response.

International law also forbids occupying powers from launching armed reprisals against the occupied population. While the right of self-defense is universally supported,¹⁵³ Israel’s military also violently maintains an illegal occupation, consistently attacks civilians, and participates in acts intended to destroy the means of living for Palestinians.

In 2001, the nonviolent, Palestinian-led International Solidarity Movement to End the Occupation (ISM) called for internationals to join Palestinians in nonviolent resistance to the Israeli occupation.¹⁵⁴ Internationals from all over the world have stood with Palestinians while dismantling roadblocks, harvesting olives, walking through curfews to school, riding on Jewish-only roads, and protecting homes from demolition.

It was during such an action that American college student Rachel Corrie was crushed by a Caterpillar bulldozer driven by an Israeli soldier. Since her death in March 2003, several other ISM activists have been shot by Israeli soldiers, and ISM offices have been ransacked.¹⁵⁵ Israeli officials routinely deny entry into Israel to those suspected of working for the human rights of Palestinians.

Palestinians resisting ethnic cleansing and occupation have employed armed struggle as well as nonviolence.

¹⁴⁹ Beaumont, Peter. “Ten-day ordeal in crucible of Jenin.” *The Guardian*. April 13, 2002.

<http://www.theguardian.com/world/2002/apr/14/israel>

¹⁵⁰ “IDF Action in Palestinian Cities, October 2001, Interim Findings.” *B’Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. October 25 2001. http://www.btselem.org/press_releases/20011025

¹⁵¹ “The IDF has lost any moral compass.” *B’Tselem-The Israeli Information Center for Human Rights in the Occupied Territories*. March 12, 2002. http://www.btselem.org/press_releases/20020312

¹⁵² “Israel’s Policy of Arming Israeli Settlers Endangers Palestinians in the Territories.” *Foundation for Middle East Peace*. May-June 1994. <http://www.fmep.org/reports/archive/vol.-4/no.-3/israels-policy-of-arming-israeli-settlers-endangers-palestinians-in-the-territories>

¹⁵³ “Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.” *International Committee of the Red Cross*. Article 4 Section 2. August 12, 1949.

<http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6fef854a3517b75ac125641e004a9e68>

¹⁵⁴ “Campaign to End the Occupation.” *International Solidarity Movement*. December 15, 2001.

<http://palsolidarity.org/2001/12/campaign-to-end-the-occupation/>

¹⁵⁵ “Profile: Rachel Corrie.” *BBC News*. August 28, 2012. <http://www.bbc.com/news/world-middle-east-19395651>

While the Geneva Conventions and other international legal principles support the right to resist military occupation and dictatorship “by all available means, including armed struggle”¹⁵⁶, international law also demands that combatants only attack other combatants and take all measures to avoid attacking civilians. Some Palestinians believe that attacks on Israeli civilians are justified as forms of resistance. Other Palestinians are driven to support these attacks because of despair, lack of other means of resistance, and the constantly mounting numbers of Palestinian non-combatant men, women and children being killed by the Israeli military and settlers. Other Palestinian attacks are aimed at Israeli soldiers, in what international law considers “legitimate” armed struggle. The PLO mounted attacks both at soldiers and civilians after its inception in 1964, though formally renouncing armed struggle in 1993.¹⁵⁷ The first Palestinian to kill himself and Israelis with a bomb strapped to his body did so in April 1994, in response to the Israeli terrorist attack committed by Baruch Goldstein forty days earlier.¹⁵⁸ In retaliation for massive Israeli assaults, some Palestinians have resisted the occupation by attacking unarmed civilians inside Israel.

A vast majority of Palestinians have never resorted to any kind of violence to resist the occupation, but continue to use steadfastness and nonviolence to struggle against Israel’s military occupation and ongoing attempts to dispossess the Palestinian people.

Boycott, Divestment, and Sanctions

In 2005, more than 170 Palestinian civil society organizations issued a call for people around the world to boycott Israel as a nonviolent method to pressure the Israeli government to end its military occupation, its apartheid laws, and its refusal to allow Palestinian refugees to return to their land and homes.¹⁵⁹ This effort is known as Boycott, Divestment, and Sanctions (BDS) and is modeled after a similar international human rights campaign to end apartheid in South Africa, a victory that was achieved in 1994 when black South Africans voted in national elections for the first time and the white minority government agreed to dismantle its system of apartheid.

¹⁵⁶ UN General Assembly Resolution 37/43, December 1982, <http://www.un.org/documents/ga/res/37/a37r043.htm>.

See also THE GENEVA DECLARATION ON TERRORISM, UN General Assembly Doc. A/42/307, 29 May 1987, Annex: “As repeatedly recognized by the United Nations General Assembly, peoples who are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination have the right to use force to accomplish their objectives within the framework of international humanitarian law. Such lawful uses of force must not be confused with acts of international terrorism.” <http://i-p-o.org/GDT.HTM>

¹⁵⁷ Murphy, Kim. “Israel and PLO, in Historic Bid for Peace, Agree to Mutual Recognition : Mideast: After decades of conflict, accord underscores both sides’ readiness to coexist. Arafat reaffirms the renunciation of violence in strong terms.” *Los Angeles Times*. September 10, 1993. http://articles.latimes.com/1993-09-10/news/mn-33546_1_mutual-recognition

¹⁵⁸ Joe Stork, *Erased in a Moment: Suicide Bombing Attacks Against Israeli Civilians* (New York: Human Rights Watch, 2002), 66.

¹⁵⁹ <http://www.bdsmovement.net/>

12. The Right of Return

The general right of return is affirmed in numerous human rights and international law documents, including:

- The Universal Declaration of Human Rights (1948), Art. 13(2): “Everyone has the right to leave any country, including his own, and to return to his country.”¹⁶⁰
- The International Covenant on Civil and Political Rights, Art. 12 (4): “No one shall be arbitrarily deprived of the right to enter his own country.” This allows those outside their own country to return for the first time, even if they were born elsewhere and would be entering for the first time, so long as they have maintained a “genuine and effective link” to the country and have not renounced their ties to it.¹⁶¹
- Convention on the Elimination of All Forms of Racial Discrimination. (Art. 5 ii)¹⁶²
- The 1951 Convention Relating to the Status of Refugees (Art. 1.C), focuses on return as the preferred option for refugees by ending protection of refugees only once the refugees have voluntarily repatriated.¹⁶³
- The right of return is a general principle in international law and has been affirmed by the American and European Human Rights Conventions (Art. 22(5); and 4th Protocol respectively), and by the European Union and the European Court of Human Rights in cases involving Cyprus, Bosnia, Croatia, Kosovo, Uganda, and East/Central Europe.¹⁶⁴

Palestinians have a specific right of return according to the United Nations:

- UN General Assembly Resolution 194 III in 1948 provided that Palestinian “refugees wishing to return to their homes and live at peace with their neighbors 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....”¹⁶⁵ (Art. 11). Resolution 194 has been reaffirmed more than 100 times by the General Assembly in other resolutions including 513, 2452, 2936, and 3236.

However, millions of Palestinians outside Israel are not allowed to return to their home, and Palestinians inside Israel are treated as second-class citizens or worse. In contrast, and as a glaring example of the racist double standard, Israel’s Law of Return allows Jews anywhere in the world to receive immediate Israeli citizenship with all its privileges, simply by setting foot on Israeli soil.¹⁶⁶

It is sometimes argued that Arab countries should assimilate the Palestinian refugees. However, while sharing some basic elements of language, religion and culture with the Arab Countries of the Middle East and North Africa, Palestinians have their own distinct, culture, traditions, dialect, and history. Palestinians are as distinct from Egyptians or Saudis as Poles are distinct from Czechs or Bulgarians. Arab countries have

¹⁶⁰ “Universal Declaration of Human Rights.” *Office of the United Nations High Commissioner for Human Rights*. December 10, 1948. http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf

¹⁶¹ “International Covenant on Civil and Political Rights.” *Office of the United Nations High Commissioner for Human Rights*. December 16, 1966. <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

¹⁶² “International Convention on the Elimination of All Forms of Racial Discrimination.” *Office of the United Nations High Commissioner for Human Rights*. January 4, 1969. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

¹⁶³ “Convention and Protocol Relating to the Status of Refugees.” *United Nations High Commissioner for Refugees*. July 28, 1951. <http://www.unhcr.org/3b66c2aa10.html>

¹⁶⁴ “European Convention on Human Rights.” *European Court of Human Rights*. November 4, 1950. http://www.echr.coe.int/Documents/Convention_ENG.pdf AND “American Convention on Human Rights “Pact of San Jose, Costa Rica” (B-32)” *Department of International Law: Organization of American States, Washington, D.C.* November 22, 1969. http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm

¹⁶⁵ “Palestine-Progress Report of the United Nations Mediator.” *United Nations Documents*. December 11, 1948. <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/043/65/IMG/NR004365.pdf?OpenElement>

¹⁶⁶ “Israel’s Basic Laws: The Law of Return.” *Jewish Virtual Library*. July 5, 1950. http://www.jewishvirtuallibrary.org/jsourc/Politics/Other_Law_Law_of_Return.html

resettled and granted rights to many Palestinians, but most Palestinian refugees and most Arab governments have opposed permanent resettlement, assimilation and naturalization, preferring to adopt policies that preserve Palestinian identity and refugee status. Palestinians have received varied treatment in Arab host countries, often unacceptable and inhumane; but the great majority of Palestinian refugees, Arab people, and Arab governments are in agreement that the ultimate responsibility for the Palestinian refugee problem lies with Israel.

The return of Palestinian refugees to Israel is not an issue of immigration, but rather of undoing historical injustice. Once the State of Israel acknowledges its primary responsibility for the creation of the Palestinian refugee problem, Palestinians and Israelis can negotiate in good faith to find ways to implement the Right of Return so that self-determination and security for both peoples are not undermined.