

Divide and Conquer: The Politics of Palestinian Human Rights

by Lana Habash

I recently had occasion to talk with a professor at a well-known human rights center on the subject of Palestine. Although the center claims to derive its mandate from the Universal Declaration of Human Rights - a declaration whose very title insists on universal application - I quickly found that the professor's commitment to universality grew less firm when the rights in question belong to Palestinians. Although the Declaration is unequivocal in affirming the right of refugees to return to their homes and reclaim their property, the professor stated that she didn't support this particular right in all cases, specifically NOT in the case of Palestine. When I asked her about the validity of a Jewish state that practiced Apartheid, she told me that she saw the establishment of a Jewish state on Palestinian land as past history, and she didn't see the significance of debating it now. When I asked her what she thought of the ongoing practice of ethnically cleansing Palestinian communities within the Green Line (in what is now called Israel) in areas like the Naqab (Negev) through land confiscation and poisoning crops, she admitted that she knew nothing about it.

This conversation with a human rights professor at an academic institution wouldn't be a cause of great concern if it weren't also fairly typical of the human rights discourse on Palestine in American activist circles. This discourse is generally governed by two rules:

(1) The discussion of Palestinian human rights must be strictly limited to the rights of Palestinians after 1967. The human rights of Palestinians before this period must consistently be ignored, denied, or deemed negotiable; and

(2) The "Green Line" defines the players, their privileges, their rights, and the legitimacy or illegitimacy of their claims to protection under international human rights law.

These two rules have helped to ensure that the discourse on "human rights" does not serve Palestinians in a struggle to obtain their rights, but rather facilitates the ongoing colonization of their land.

*** On human rights discourse and the rights of Palestinians before 1967**

Imagine for a moment a discussion of the human rights of indigenous South Africans absent a discussion of the racism and colonialist ideology that laid the foundation for the oppressive policies of white South Africa. Those advocating for the human rights of South African native people would decry the prison conditions of jailed indigenous South Africans, denounce the horrifying exploitation of their labor, and would oppose the most repressive policies of white South African violence against popular resistance to Apartheid, but would say nothing about Apartheid itself. In such a case, one of the fundamental human rights violations "necessary" to maintain the privileges of a minority white population on South African land would be deemed acceptable (the system of segregation and racist laws called Apartheid) because the security of white South African "rights" (read dominance) would otherwise be threatened. Such a human rights framework would not only have been flawed because it failed to address

the fundamental crime of Apartheid, but also because in doing so it would have failed to change in any way the human rights violations built on that foundation. It would rather have helped support the lie propagated by the Apartheid regime: the notion that Apartheid and human rights were compatible. Such a discourse would neither question nor oppose racism but only the most repressive manifestations of it and even this "opposition" would have been meaningless, since repression was a necessary consequence of the system of Apartheid.

In Palestinian human rights advocacy in America, this framework is the norm. The human rights of Palestinian people prior to 1967 are neither part of the discussion nor part of the aim of advocacy. In 1948, over 780, 000 Palestinians (over 82% of the indigenous population of Palestine at that time) were forcibly transferred from their land, in some cases at gunpoint, in other cases through threats of massacres like the massacre of over 250 Palestinians in Deir Yassin. 530 of an estimated 550 total villages were depopulated. Over 78% of Palestinian land was confiscated for the establishment of a state for Jewish people. The establishment of the Law of Return and the Absentee Property Law in the 1950's - racist laws which defined the boundaries of inclusion (Jewish people) and exclusion (indigenous Palestinians) - were cornerstones in the establishment of an Israeli Apartheid state that continues to this day. None of these facts are part of the predominant American human rights perspective on Palestine. All of the human rights abuses noted above are rooted in and justified through Zionism.

Zionism is a European colonialist ideology and political process of creating and maintaining a Jewish majority in Palestine, granting rights and privileges to Jewish people that supersede any rights of the indigenous people of Palestine. In Zionism, the process of "Judaizing" or "redeeming" the land (expropriating the land of indigenous Palestinians and using it for exclusively Jewish use) is used as justification for all policies, no matter how repressive, both preceding and following 1967.

This demographic war waged on the Palestinian people meets the definitions of both the crime of Apartheid and the crime of genocide as defined in international law. Recognition of these crimes is startlingly absent from most mainstream discussions of Palestinian human rights in America. Utilizing the framework of Zionism, "Palestine/Israel" peace groups maintain that Israeli rights to Palestinian land and resources (justified through racism and taken by military force) and Palestinian rights to their own resources and land (defined as specifically the West Bank and Gaza and not the rest of historic Palestine) are somehow equal.

In this framework, rights for Palestinians, like the right of return and the right to resist occupation, become debatable and negotiable because they threaten the existence of the Jewish state. This resembles the argument by the slave owner that freeing slaves might cause the economic collapse of the plantation. In both cases, a fundamental injustice becomes the justification for further injustice. In the human rights framework, racism and genocide should neither be morally acceptable nor morally defensible in any context. This is true in South Africa, it is true in the Americas, and it is true in Palestine.

*** On Palestinian human rights and geography**

The Green Line is the name given to the lines established in 1949 that constituted the de facto borders of what is called pre-1967 Israel, the part of historic Palestine militarily occupied by Zionists in 1948. It should be stressed at the outset that the Green Line has not been observed as any kind of "border" by the Israelis as demonstrated by continued expansion of settlements, Israeli bypass roads, water theft, and the Annexation/Apartheid Wall. In spite of Israeli attempts at disruption, contiguous Palestinian communities on both sides of the Green Line have remained deeply tied to one another through culture, family, and economy. The Green Line does not describe a real boundary in the world, not even a recognized political boundary. It exists almost entirely within "discourse."

Palestinians are denied and Israeli settlers granted privileges, rights, and legitimacy based on where they exist geographically in relation to this line. This involves definitions of who is a Palestinian, an "Arab Israeli", an Israeli "civilian", or an Israeli "settler."

To clarify, Palestinians currently living in the West Bank and Gaza are the most commonly understood definition of "Palestinian." There is a general acceptance in America that these Palestinians inhabit what is to be a future Palestinian state, that this land is under military occupation, and that the occupation of this land should eventually end. We will, for the moment, ignore the fact that the material circumstances that would make such a state possible are being eliminated daily by the occupier. The human rights abuses perpetrated against these Palestinians are well known, though they continue unabated despite extensive reporting and documentation. Collective punishment, home demolition, torture, illegal detention, illegal settlement, destruction of infrastructure and farm land, water and land theft are justified by proponents of Israel as necessary to preserve the "security" of the Jewish state.

The Palestinians currently living within the boundaries of the so-called Green Line are subdivided into "Arab Israelis" and the Palestinian Bedouin of the Naqab. These Palestinians also live under military occupation (in their case since 1948). Racist laws and policies prevent these Palestinians from equal citizenship on their own land. Their villages within the Green Line are unrecognized on Israeli maps, making the process of "Judaizing the land" nearly impossible to oppose, as there is no acknowledgement by Israel that they exist in the first place. Palestinians in unrecognized villages within the Green Line pay taxes as citizens but are often denied water, electricity, and education. They are subject to the same type of severe military repression experienced by West Bank and Gazan Palestinians when they resist confiscation and settlement of their land. The history of Land Day illustrates this well: on March 30th, 1976 the Israeli government killed six Palestinians and injured hundreds to suppress a general strike protesting further theft of Palestinian land in the Nazareth area. Another example is the case of the thirteen Palestinian "Israelis" killed within the Green Line at the start of the Al Aqsa Intifada in September 2000. This second Intifada has represented a serious threat to the Israeli colonization project. It is the manifestation of Palestinian resistance to colonial occupation on both sides of the Green Line.

In the case of the Palestinian Bedouin, an ongoing program of land expropriation and dispossession has continued since 1948, when the vast majority of Palestinian

Bedouin were dispossessed of their land. The remaining Bedouin, like the rest of the Palestinian population, were placed under military rule from 1948 through 1966. Many were relocated to urban townships through a process of land confiscation, home demolition, and other coercive methods. The Israeli government has rendered Bedouin cultivation of their own land illegal and has poisoned their food crops with toxic chemicals to destroy their way of life.

In the case of both the "Arab Israelis" and the Bedouin, human rights violations perpetrated against Palestinians within the Green Line are not commonly discussed or known within the American human rights community. In fact, the "rights" of Palestinians within Israel are often paraded as part of the mythology of Israel's singular "democracy" in the region. On those rare occasions when the question is discussed, it is discussed as the problem of "a minority" struggling for equal rights within the state of Israel. This is another lie propagated by the discourse on Palestine by means of the Green Line: although the total population of Palestinians living within the boundaries of historic Palestine is now greater than or equal to the number of Jewish-Israelis, and Palestinian communities have maintained strong interdependent relationships throughout their historic land, the imaginary Green Line creates a false impression of separate communities so that one becomes a "minority" struggling for inclusion, and the other a "foreign people" struggling for independence.

The Palestinian refugee population living in Jordan numbers approximately 80% of the current Jordanian population. These Palestinians have historically engaged in resistance struggles to return to their land in historic Palestine and as a result have been repressed in horrific ways. In the case of Black September (September, 1970) over 3,000 Palestinians in Jordan were massacred by the Jordanian government as part of a regional attack on Palestinian resistance to colonial occupation of historic Palestine.

There is another significant Palestinian refugee population in Lebanon. This population has also suffered severe human rights violations. At Sabra and Shatilla in September, 1982 the now twice-elected Israeli prime minister Ariel Sharon presided over the massacre of over 2,750 Palestinian refugees by Lebanese Christian Phalangists.

Finally, there is the wider Palestinian diaspora in areas outside of Jordan and Lebanon who have an internationally recognized right to return to their homes in historic Palestine. These Palestinians also suffer political repression when they attempt to advocate for the rights guaranteed to them. When members of the Palestinian diaspora living in the United States, for example, support anti-racist, anti-colonialist politics and support the right of return and the right of Palestinians to resist colonial occupation, they are typically deported, detained without trial, and in some cases tortured - all in the name of American and Israeli security. They are often marginalized as "fanatic" or "extremist" by the very human rights groups that claim to be in solidarity with the Palestinian people.

The Green Line functions in other ways to obscure the process of colonization. Israeli settlers so often mentioned in the news are defined as those Israelis who are in settlements in the West Bank and Gaza. These settlers are armed and protected by the full force of the Israeli military. They engage in routine and unprovoked attacks on

the Palestinian population, sometimes attacking children with knives, guns, and rocks in an effort to intimidate Palestinian families into relinquishing their property. When the Palestinian community attempts to defend itself against these attacks, the Israeli occupation forces march in to "restore order." The human rights community at best asserts that these settlers should be relocated to areas within the Green Line. As the Israeli government claims "disengagement" from Gaza and claims this as a concession for "peace", it promises to relocate these Gaza settlers to other areas now occupied by indigenous Palestinians (the Naqab within the Green Line, for example, and ironically, other areas of new and expanding settlements within the West Bank and Al Quds (East Jerusalem)). These individuals who have defied international law are being compensated by the international community for the "trouble" of resettlement to the tune of \$227,000/settler.

"Israeli civilians" within the Green Line are portrayed quite differently from Israeli settlers of the West Bank and Gaza, despite the similarities in their material relationship to the indigenous people of Palestine. These people are often portrayed in American media as innocent individuals who "want to live in peace" with their neighbors. These "civilians" are also settlers on Palestinian land occupied through military force. They live in houses and on property that belongs to Palestinian refugees. They claim rights to land and resources that have been taken by force and over which they maintain exclusive control under a system of laws based on racist ideology. The vast majority of these Israeli civilians advocate for separation and segregation. Even the Israeli Peace movement continues to maintain that Israeli injustice in Palestine does not include the forced displacement of Palestinians in 1948, but rather only the occupation of Palestinian land since 1967. These civilians fight for the preservation of their privileges as Jews within Israel that allow them to buy land (Palestinians cannot), travel freely (Palestinians cannot), settle in historic Palestine permanently (Palestinians born and raised in historic Palestine cannot return despite international laws guaranteeing their right to do so), express their political opinions freely without fear of detention or torture (Palestinians who are considered Israeli citizens do not enjoy this freedom), enjoy education, electricity, and free use of the water of historic Palestine (Palestinian "Israelis" often have none of these freedoms in the unrecognized villages).

Israeli civilians are often armed and their privileges are protected by Israeli soldiers. In places like Nazareth, a Palestinian community within the Green Line, these Israeli civilians also engage in violent rampages against Palestinians. And, as in the West Bank and Gaza, if Palestinians within the Green Line resist, the Israeli military again marches in to "restore order." We who work for Palestinian human rights are not supposed to speak of how these Israeli civilians came to be in Palestine. We are not supposed to speak about how it is that these Israeli civilians own and continue to live on property previously inhabited by a majority indigenous Palestinian population, or how it is that they maintain racist privilege over indigenous Palestinians in historic Palestine. We are not supposed to talk about mass forced transfer of over 82% of the population, the thirty-five massacres, "present absenteeism", the 530 depopulated Palestinian villages, Apartheid laws and other laws preventing Palestinians from owning land or even earning wages for their labor, during the birth of the much celebrated "oasis of democracy."

If we turn away from the purely imaginary lines that have been drawn for the purpose

of maintaining a discourse on Palestine, and turn instead to the historical and material realities of life in Palestine, much false "complexity" dissolves. Israeli settlers are settlers whether they settled in 1936, 1948, 1967, 1980, or 2005, and whether they settled in Jaffa (Tel Aviv), the Naqab (Negev), Khalil (Hebron), or Gaza. The "rights" of these settlers in all instances are based on land theft and racism against the indigenous population. The "rights" of these settlers in all instances are preserved through military force. The material relationship of these settlers to Palestinians will continue to be genocidal as long as they continue to live on stolen Palestinian land, utilize stolen Palestinian resources, and advocate for their privileges as Jews to do all of the above.

The indigenous people of historic Palestine are Palestinian whether they are refugees of 1948, 1967, or 2005, and whether they are the "internally displaced" Palestinians living within the Green Line called "Israeli Arabs", or Bedouin, or the "externally displaced" Palestinians of the West Bank, Gaza, Jordan, and Lebanon, or the larger Palestinian diaspora. All of these Palestinians have the right to live freely in their homes in Palestine.

We are left, then, with only one essential human rights question to be answered. This question is capable of reframing the discussion in such a way that actually advances the cause of Palestinian human rights: *Do the rights and protections of international humanitarian law apply to all Palestinians?*

The bulk of human rights discourse has focused on applying humanitarian law to Israeli government policy in the West Bank and Gaza and has focused human rights advocacy on Palestinians living in the West Bank and Gaza. Historically it has been shown over and over again that genocide begins with separation of the indigenous people. Once the work of separation has been accomplished, the work of the colonial power - whether it be in the Americas, South Africa, or Israel - is to split the indigenous population into subgroups to further the project of colonization. This is done through a variety of different methods, including all of the following: empowering a minority sector of the indigenous population to police its own people (as in the case of the Palestinian Druze); establishing racist Jim Crow laws which grant some "rights" to Palestinians within the Green Line while simultaneously assuring that these rights never challenge the fundamental racist privilege of Jews over non-Jews; negotiating "peace" treaties at gunpoint where chosen Palestinian representatives on the other side of the Green Line sign away rights and land while seemingly assuring (but not really) a limitation on the genocidal conditions imposed by the colonial power; and imposing collective punishment to isolate Palestinians who resist colonial occupation from larger communities of Palestinian support.

In accepting these divisions, the American human rights framework as it has been applied to Palestinians has not only failed to stop human rights violations, but has facilitated the colonization and genocide of Palestinian people. It has done this by accepting the validity of the Jewish state and by giving only limited and conditional support to certain human rights for certain Palestinians living in certain areas at certain times.

The American human rights framework as it currently functions in Palestine has become a tool used by Israel and its proponents to legitimize colonial land theft and genocide rather than oppose it. True human rights advocacy that supports the rights of the indigenous people of Palestine must start by acknowledging the rights of all Palestinians, whether they are from 1948 Jaffa, 1967 Nablus, or the Naqab or Jayyus of 2005. It means necessarily that we must discuss Zionism from its origins in Europe in the 1880's to its present manifestations in Palestine. We must reject the idea that colonialism, genocide, Apartheid, or any form of racism is ever justifiable or defensible. We must also reject the idea that colonial governments like the US or Israel will ever negotiate against their own interests. These are the first steps in creating true international solidarity that supports the Palestinian people's legitimate resistance against ongoing colonization, occupation, Apartheid, and genocide in all of historic Palestine.

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