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## Israel: Occupation, War Crimes, and Apartheid

By Akbar Ganji

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The Middle East is burning in fires of wars, violence, and destruction from Syria, to Yemen, and Iraq. But, amid all these wars, a new one has begun between Israel and the Palestinian people living in Gaza. The truth is that the war between Israel and the Palestinians is the mother of all the wars in the region. If there were peace between the people of Israel and Palestinians, we would probably never have any war in that region, at least not one initiated by the people of the Middle East. To understand this we must consider at least four important factors.

### Israel as an occupying force

Israel was created in 1947 by the United Nations General Assembly. Resolution 181 of the UNGA that recognized Israel devoted 45 percent of the land to the Palestinians, 54 percent to Israel, and the remaining 1 percent – Jerusalem – was designated as international territory. And, while Israel was born by the resolution, over the last several decades it has violated the resolution itself. After the June 1967 war, the Palestinians' share of the land has reduced to 22 percent. Resolution 465 of the United Nations Security Council twice mentions the territories occupied by Israeli forces and asks Israel to evacuate them. It also declares the settlements in the occupied territories, including in East Jerusalem, violation of Fourth Geneva Convention that deals with protection of civilian population during wars. The British Foreign Office has even declared the violation of the convention as war crimes. Israel has even violated the Oslo agreement that it has signed and committed itself to, and nearly 600,000 Israeli citizens live in the settlements in the West Bank and East Jerusalem.

The United Nations recognizes the rights of any people to resist occupation of their country by foreign forces. Did the people not fight against occupation of their nations by the Nazi regime, and did the United States not help them? When Saddam Hussein's army occupied Kuwait in 1990, not only did the international community recognize the rights of the Kuwaiti people to fight the occupying force, they were also aided by an international coalition led by the United States.

Princeton University Professor Richard Falk, the United Nations Special Rapporteur on "the situation of human rights in the Palestinian territories occupied since 1967" has recognized the rights of the Palestinians to resist Israel occupation. Noura Erakat, who has taught International Human Rights Law and the Middle East at Georgetown University since 2009, has stated that, as an occupying power, Israel cannot invoke the right of self-defense against the Palestinians.

### **The apartheid system**

Former President Jimmy Carter has declared that what Israel's occupation regime has been in the occupied West Bank is an apartheid regime. The fundamental question is, what should be done with four million Palestinians in the West Bank and Gaza? If Israel does not accept the two-state solution, and all indications are that it does not, the implication is that there can be only one nation in Israel and Palestine. But, since the 1967 Arab-Israel war, the Palestinians in the West bank have had no fundamental rights, such as citizenship rights, having passports, etc. They have not been treated with human dignity by Israel. Are the 4 million Palestinians citizens of Israel, or citizens of their nonexistent country, or should simply vanish? Israel refuses to declare its international borders – not those demarcated by the UN, not the prewar borders in 1967, and not even now. It is the only nation on Earth with no borders.

To continue and justify its occupation of the West Bank, Israel has been following a dual-track strategy regarding the Palestinian problem. One is the natural passage of time so that all the Palestinians who were living at the time of Israel's independence die and the idea of an independent Palestinian state is forgotten. As Ian Lustik, the University of Pennsylvania Professor put it, the two-state solution has simply become an illusion. Indeed, a January 2013 poll indicated that 83 percent of Israelis believe that retreating to the 1967 borders will not bring peace.

The second track is inciting fear of Iran in order to distract attention from the Palestinian problem. When the Obama administration pressed Israel in October 2013 to conclude a peace treaty with the Palestinians by May 2014, then Israel's Deputy Defense Minister Danny Danon responded that the calendar must change. "Let's end the Iran threat by May 2014 and then we sit down with the Palestinians. Iran is the threat," he said, adding that if the nuclear negotiations with Iran fail, Israel will attack Iran unilaterally.

### **Israel's war crimes and violations of international laws**

Israel's settlements in the West Bank and Jerusalem represent gross violations of all the relevant international laws. Catherine Ashton, the European Union foreign policy chief has made it clear that the EU considers the settlements as illegal and an impediment to peace. Alistair Burt, the

British Foreign Office Minister warned Israel in 2013 that settlement building "undermines trust and makes peace harder to achieve." Burt also said that then British Foreign Secretary William Hague had expressed his "condemnation and deep disappointment" at new settlements in East Jerusalem, adding, "These are further profoundly provocative actions that run contrary to the Fourth Geneva Convention. By taking these steps, despite the international community repeatedly raising our profound concerns, the Israeli government is damaging Israel's international reputation."

UN Security Council Resolution 465, issued in 1980, emphasized that, "Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 is applicable to the Arab territories occupied by Israel since 1967, including Jerusalem." The resolution declared that, "All measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof, have no legal validity and that Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Fourth 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." Interestingly, the Carter administration did not veto Resolution 465.

Israel has also been committing war crimes. Violation of Fourth Geneva Convention is by itself a war crime, as stipulated by the UN Security Council. And after Israel attacked Gaza in December 2008 that killed more than 1400 Palestinians, Richard Goldstone, head of UN Fact Finding Mission on the Gaza Conflict, issued a report in which he accused Israel of committing war crimes, and "possibly crimes against humanity" (the report made similar accusations against Hamas), although, presumably under pressure, Goldstone himself retracted some of the statements later on.

After Israel shelled the neighborhood of Shejaia in Gaza, killing at least 60 people, the Arab League, the same organization that supported the NATO attacks on Libya and has also supported the West's position regarding the war in Syria, called Israel's attacks war crimes.

### **Israel opposes just and lasting peace**

There is widespread belief that Israel is not interested in a just peace. Even some citizens of Israel believe so. Writing in the *Haaretz*, Gideon Levy says that Israel's real purpose in Gaza is to kill as many Arabs as possible, and that this has been Israel's policy ever since its invasion of southern Lebanon in 1982. He quotes retired Israeli generals that advocate killing Arab families so that they begin fighting with each other.

Israel's Prime Minister Benjamin Netanyahu believes that attacking Gaza solves his problems. In reality, such attacks only strengthen Hamas, and increase international condemnation of Israel, because what Israel does cannot be justified. Indeed, in a statement the European Parliament emphasized that there is no justification for the infrastructure of Gaza, and former President Bill Clinton said,

*Over the long run it is not good for Israel to keep isolating itself from world opinion because of the absence of a viable peace process. In the short to medium term, Hamas can inflict terrible public relations damage on Israel by forcing it to kill Palestinian civilians to counter Hamas.*

Other world leaders have also condemned Israel. Prime Minister Recep Tayyip Erdogan of Turkey, one of very few Islamic countries that have formal relations with Israel said, "We have been witnessing this systematic genocide every Ramadan since 1948. The world remains silent because those who lost their lives are Palestinian." There have been widespread demonstrations all over the world.

Netanyahu has always claimed that Israel does not have a unified Palestinian partner for peace. But, his excuse was shattered when Hamas and the Palestinian Authority agreed to form a national unity government. So, he has used the latest as his excuse to destroy the Palestinian national unity government, because he no longer pretends that he supports the two-state solution. This point was emphasized by Nathan Thrall of International Crisis Group, who also opined that the West helped Israel to choose war over peace.

### **Just peace, not massacre and destruction**

At the time of writing this article, Israel's attacks have killed at least 616 Palestinians, 85 percent of whom have been civilians including 155 children, and injured 3750, including over 1100 children. The United Nations reports that more than 100,000 people have been displaced internally. Israel has also arrested 1100 Palestinians.

Israel has very few choices:

1. Continue the present state of affairs with the "hope" that it will eventually kill all the Palestinians.
2. Continue occupation of the West Bank indefinitely, hence consolidating the apartheid regime there.
3. Withdraw its forces to the 1967 borders to allow an independent, viable and contiguous Palestinian state to form.
4. Continue occupying the West bank, but grant full citizen's rights to all the Palestinians.

It is Israel's choice to make. Will it choose permanent, just peace by agreeing to a true two-state solution, or will it choose permanent war, bloodshed and destruction?