NISHUL (DISPLACEMENT): ISRAEL'S FORM OF APARTHEID

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Some 46 percent of Israel's Jewish citizens favor transferring Palestinians out of the territories, while 31 percent favor transferring Israeli Arabs out of the country, according to the Jaffee Center for Strategic Studies' annual national security public opinion poll. When the question of transfer was posed in a more roundabout way, 60 percent of respondents said that they were in favor of encouraging Israeli Arabs to leave the country…. A representative sample of 1,264 Jewish residents of Israel were polled for the survey last month in face-to-face interviews.
      -- (Amnon Barzilai, *Ha'aretz* March 12, 2002)

While attending a preparatory meeting in Geneva to hammer out an agenda for the UN World Conference Against Racism, I had an occasion, together with a few other Israeli and Palestinian delegates, to enter into discussion with representatives of South African NGOs. During our conversation the subject was raised of the relationship between Apartheid as it had existed in South Africa and what some of us saw as a another Apartheid-like system emerging (some would say having already emerged) between Israel and the Palestinians. Though willing to discuss the comparison, they did not like us appropriating their term. "Get your own word," the South Africans told us in friendly but no uncertain terms. The fight against Apartheid had framed their own struggle, and they were concerned that the term, used indiscriminately by other groups in vastly different situations, would water it down, finally reducing it to a mere synonym of "oppression." They appreciated the fact that "Apartheid" had become such a powerful and relevant concept, but they did not want to "lose" it. In fact, on various occasions Palestinians, too, had voiced their discomfort at having their struggle framed in the terms of others.

The decision to abandon or modify such a powerful and useful term as "Apartheid" is a strategic, not semantic, one. "Apartheid" highlights some of the most salient elements of the system of domination, control and displacement that has been constructed by the Jews in Palestine over the past century, a system close to completion. It identifies "separation" based on national/religious grounds as the basis of Israel's policies towards the Palestinians. *Hafrada* (*Apartheid* in Afrikaans) is the official Hebrew term for Israel's vision and policy towards the Palestinians of the Occupied Territories – and, it could be argued (with qualifications), within Israel itself. It raises the image of a bantustan as Israel's conception of what a dependent and truncated Palestinian "entity" would look like. It highlights some essential features shared by the two systems: an exclusivist claim of one particular group to the entire country, based on complete separation of the dominant group from the indigenous "others;" displacement of the local population by the dominant settler one, seizure of its lands and properties, limiting its presence to small areas of the country, and transforming it into a permanent "underclass;" formalization of unequal power relations through an extensive system of discriminatory laws and policies, enforced by the police, military and a variety of "security services;" and the development by the dominant group of a compelling "meta-narrative" that supports its claims to the land while excluding those of the native "others," even going so far as to demonize them so as to completely nullify any moral as well as historical or political claims they may

have. Most important, the term "Apartheid" conveys the notion of a system, not merely a policy.

Still, the term does have its drawbacks and limitations. "Apartheid" is South African specific. If it highlights a system of separation and domination, it also suggests a racial rather than a national or religious basis for separation, which is not the issue between Israelis and Palestinians. It generates opposition and defensivity, serving as a "red flag" deflecting attention from the issues involved rather than considered discussion. But even if a case can be made to apply it to Israel and the Occupied Territories, it is not dynamic or comprehensive enough. "Apartheid" emphasizes the domination and control of one group over another, but it is too static for the Israeli case. Because Black Africans constituted the vast majority, the whites could not actually displace them; they could only create a system of domination and control, and then try to maintain it. In Israel/Palestine a different situation pertains whereby one group (the Jews) claims exclusivity and has the ability – demographically, assisted by grossly unequal uses of military power and economic resources – to carry out a successful century-long campaign of displacement (*nishul*). The Jews of Israel today constitute the majority (though barely) in the country. They effectively control all the land, as well as mechanisms of demographic control, such as Jewish immigration, revoking Palestinian residency, deportation and exile, as well as denial of the Palestinian Right of Return. Unlike Apartheid, which was a system created and then maintained until its collapse, *nishul* is an ongoing process involving not merely domination, control and confinement, but actual displacement -- a process, not only a system.

It seems, then, that there is a place for an alternative term to "Apartheid." Some of the Israelis and Palestinians attending the anti-racism conference felt that the term should be in Hebrew, the language of the oppressor, as was the term "Apartheid." It should represent, after all, the ideology, goals and policies of the dominant society. The Hebrew word *hafrada* (separation") would seem a logical choice. It is the Hebrew translation of "Apartheid" as well as an official term for Israeli government policy towards the Palestinians. But it seems to me too weak. It does not convey the power differentials, the *system* of domination, control and displacement. I would therefore like to suggest the Hebrew word *nishul*, "displacement." If it proves too difficult to adopt a Hebrew term, the Arabic term *eqtila'a*, literally "uprooting," offers another possibility.

Apartheid And Zionism

On the surface, Apartheid and Zionism represent two very different systems of privilege and exclusion. Apartheid was based upon an elaborate system of racial differences, while Zionism postulates a Jewish religio-national "ownership" of the Land of Israel deriving from historical (primarily biblical) claims that preempt all other claims and turn Palestinians into interlopers. Yet the two share some essential features:

* An exclusivist claim of one particular group to the entire country, based on complete separation of the dominant group from the indigenous "others;"

*   Displacement of the local population by the dominant settler one, seizure of its lands and properties, limiting its presence to small areas of the country, and transforming it into a permanent "underclass;"

*   Formalization of unequal power relations through an extensive system of discriminatory laws and policies formulated, upheld and enforced by the countries' parliaments, governments, courts, administration and police. Couching such policies in terms of "security" ("security zones," the need to uphold "public security," characterizing individuals as "security risks" and in general the suspension of civil rights because of "security concerns") expanded enforcement to include the military and a variety of "security services," while ensuring non-interference on the part of the courts;

*   The development by the dominant group of a compelling "meta-narrative" that supports its claims to the land while excluding those of the native "others," even going so far as to demonize them so as to completely nullify any moral as well as historical or political claims they may have.

While Israel's system of occupation over the Palestinians of the West Bank, East Jerusalem and Gaza bears striking similaries to South African Apartheid (and threatens to become permanently institutionalized as such), disagreement exists over whether the notion of Apartheid can be used to characterized the status of Palestinians living in Israel proper. The most obvious difference is that Palestinian residents of Israel hold Israeli citizenship, in contrast to the Black African population of South Africa and the Palestinians of the Occupied Territories. They possess the right to vote, to freedom of movement, to fundamental civil rights.

Those who would nevertheless argue that Apartheid does characterize the situation of Israel's Palestinian citizens -- or that it is clearly moving in that direction -- point out that since Israel is officially a "Jewish state," Palestinian citizenship is based upon sufference rather than right. They note that while Palestinians possess formal equality, they face fundamental discrimination sanctioned by both the State and the courts -- indeed, that discrimination is inherent in a Zionist system that privileges the Jews. Thus the Law of Return grants automatic citizenship to Jews, while Palestinian refugees remain barred from entering the country, their Right of Return, recognized in international law, rejected by Israel. Palestinian citizens of Israel are excluded from 94% of the country's land, which as "State Land" is held in custody for Jews only, even though most of it was expropriated or otherwise alienated from Palestinian owners. Recent moves by the Ministry of the Interior to strip Palestinians of their Israeli citizenship if they can be proved "unloyal" to the state only underscore the precariousness of Palestinian rights. The best Zionism can aim for is what it calls a "Jewish democracy," and that by its very nature excludes non-Jews.

Nishul as a Conception, Ideology, Goal, Process, Policy and System

Displacement was a central component in South African Apartheid. Its most dramatic expression was in the creation of ten bantustans, or "homelands" -- islands comprising 11% of the country in which 84% of the population was confined. In the Middle East, too, "displacement" has a long history. Palestinian refugees are divided between the "internally displaced" (Palestinian citizens of Israel who have not been allowed to return to their homes since 1948, many living in "unrecognized villages") and the

"external refugees" (those who fled or were driven out of the territory that became Israel and never allowed to return).

But physical displacement is merely a logical corollary of *Nishul* as a fundamental concept and policy of Zionism, whose overriding and explicit goal is the creation of an exclusively Jewish state in the Land of Israel. Such an ideology requires by definition the displacement of the rival claimant to the country, the Palestinians. Winning the contest for sovereignty over the country was essential, but unless the rival claimant was displaced entirely, exclusivity remained partial, tentative and fragile. Zionists from the left to right of the political spectrum agreed that unchallenged exclusivity required the permanent elimination of the Palestinian presence – even if "Jewish democracy" had to tolerate Palestinians as citizens until such a time as that ideal could be fulfilled.

Physical displacement thus occurred as a consequence not only of military struggle in 1948 and 1967, but as part of a pro-active Israeli plan and policy. Physical displacement began at the very beginning of Zionist settlement, especially after the establishment of the Palestine Office of the World Zionist Organization in 1904, when the systematic purchase of lands from absentee Arab landowners began. [Khalidi] Some 750,000 fled or were driven out of the country as refugees in 1948, while another 40% of those who remained as dispossessed "internal refugees." Yet thousands more became exiles (voluntarily and by force), were deported or refused re-entry into the country, or fell victim to a policies of induced emigration – on both sides of the "Green Line" – spurred by intolerable living conditions intentionally fostered by Israel. For many years the "transfer" of Palestinians has been discussed as a policy option. Three government ministers representing three parties that participated in Sharon's "National Unity Government" -- the assassinated Tourism Minister Rehavam Ze'evi ("Gandhi") of "Moledet" (and his successor, Benny Alon), the former Minister of Infrastructure Avigdor Lieberman, head of the Russian immigrant party "Israel Is Our Home," and former general Effi Eitam of the National Religious Party, now a Minister Without Portfolio -- all openly advocate "transfer" as central planks in their parties' platform.

A broader meaning of *Nishul*, however, is what happens when it becomes a *system* of sustained and expanding displacement. Colonization of Palestinian lands before and after 1948 (as well as after 1967 in the Occupied Territories), and the concomitant displacement of the Palestinian population, were necessary accompanyments to the emergence of Israel as an "ethnocracy," to borrow a term by the Israeli geographer Oren Yiftachel.

In circumstances where physical displacement is impossible, however, *Nishul* can assume other forms. People may remain more or less in place but lose title to their land and property through expropriation or blocked access, a form of dispossession. Since collective dispossession is the result of relative powerlessness (indeed, being on the losing side in a contest over place), it also means that the displaced group's claims, narrative and even identity have been displaced by the dominant group that presents only its own claims and narrative as valid. In Israel, Palestinians citizens of the country are considered merely an ethnic or "minority" group, a "sector" of the broader society. For Israel, either as a pre-state Yishuv or as a sovereign state, has never recognized the Palestinians as a distinct people with national or even individual

rights and holding legitimate claims to the country. Israeli Jews view Palestinians as merely "Arabs," an undifferentiated part of an Arab mass that might just as well live in one of the "other" 22 Arab countries as in "ours." From the point of view of legitimacy, there is only one "side" in the view of Israeli Jews: theirs. Jews claim to be the only nation in the country (a right that extends to all Jews whether or not they live in Israel or have citizenship there). This exclusive right extends to the entire country, including the Occupied Territories. There is no other "side," only a mass of intractable "Arabs" with which we must deal in one way or another. This is the source of Israeli human rights violations in both the Occupied Territories and within Israel itself. This is the source of Israeli impunity to the civil and human rights of Palestinians on both sides of the "Green Line." There is no symmetry, no "two sides."

Thus displacement finds legitmacy. Since 1948 Israel has followed an open and declared policy of "Judaization" of the landscape. (When Israel speaks of "Judaizing" the country, one might think that such a concept would be controversial because of its racist overtones. Not so in Israel. "This is a Jewish country," Israeli Jews (backed up by their parliament and courts) would say. "Of course we want to 'Judaize' it. That's the whole point.") Some 418 Palestinian villages were systematically demolished after their inhabitants "departed" the country in order to ensure that they could not return. Most of their lands were handed over to agricultural kibbutz and moshav settlements, others became the sites of cities and towns, still others were covered by "national forests" or parks. In all cases Arabic names of regions and locales were replaced with Hebrew ones. Through massive transfers of Jews into areas of dense Palestinian population (both within Israel and through settlement activity in the Occupied Territories), served by highways systems designed to link Jewish Israeli population centers and isolate Palestinians into enclaves, the country was thoroughly reconfigured. The Palestinian presence has been reduced in the eyes of the dominant Israeli population to little more than picturesque (if hostile) background. These are some of the subtle mechanisms of *Nishul*.

A prime goal of *Nishul* is not only physical displacement, but the "normalization" of the very situation of displacement, so that a previous reality cannot be recovered or even recalled. By transforming displacement into a generally accepted, even banal *status quo,* the process that created it and its results disappear from view; they become a non-issue, effectively deflecting demands of the displaced for redress. Israel's military conquests of 1948, for example, went far beyond the lines of partition, yet even the PLO in Oslo recognized Israel within those expanded borders, thereby conceding 78% of Mandatory Palestine even before negotiations began. "Normalcy" also forms the basis of distinctions made between "ideological settlements" and "economic" ones. Although settlements in every sense of the word, Israel argues that "normalized" cities such as Ariel, Ma'aleh Adumim and Efrat are non-negotiable because they fall within the "national consensus." Not only do Israelis, including the residents of these "economic" settlements, accept this perception, but the Palestinian negotiators make the distinction as well, and are prepared to allowed these "economic communities" to remain. Once the status quo becomes "normal," then the means of maintaining it, including the use of control mechanisms, becomes much easier. As the case of the "economic communities" illustrates, "normalization" has replaced awareness of the Occupation over many parts of the West Bank (and certainly East Jerusalem, where perceptions of occupation have virtually disappeared). The resulting loss of historical and political context, of the basic process of displacement,

legitimizes efforts of the dominating group to maintain control. In our case, what would otherwise be considered legitimate resistance to occupation becomes mere "terrorism," and demands to "end the violence" actually support the status quo, *Nishul* on both sides of the "Green Line."

As a process of expansion and displacement, *Nishul* has proven its effectiveness in Zionism's attempt to wrest the Land of Israel from its Palestinian inhabitants. Its ability to "normalize" displacement has rendered the process and its results virtually invisible, casting the claims of the victims as non-negotiable "non-issues." The means of control it offers effectively devolves responsibility from the perpetuators to the victims, casting the very resistance of the latter as illegitimate "violence." The role of the peace forces in Israel and Palestine, and its supports, is to draw attention to *Nishul as an ongoing process,* and to highlight its progress, consequences and mechanisms of control.

The Historical Process of *Nishul*

The process of displacement began in the early 1900s with the emergence of Zionist immigration and practical efforts to establish a nationalist Jewish presence in the country. The stages of *Nishul* may be generally summarized as follows:.

1. **Localized displacement (1904-1914).** Elements of Nishul already appear in the last years of the nineteenth century, when Zionism crystallized as an ideology and "movement, and the World Zionist Organization gave it the necessary political, organizational and financial substance. A closed, compelling meta-narrative asserted the Jews' exclusive title to the country as "returning natives." Although the terms "conquest" and "colonization" were used to describe the process of "reclaiming" the Land, the claim itself was seen as just, self-evident and beyond dispute. Palestinian claims or rights were not even entertained. Their physical presence, cast as the "Arab Question" or "Arab Problem" (the word "Palestinian" was banned in favor of the more undifferentiated term "Arab"), was grudgingly acknowledged. But for a century (until the signing of the Oslo Accords in 1993) their very existence as a national collective was denied and their claims to both land and to the country were dismissed.

   In 1904 the World Zionist Organization established its Palestine Office. Purchases of large tracts of lands from absentee landlords in Beirut necessitated the removal of the Palestinian peasantry. The first tangible expression of physical displacement took place in the years before World War I when the "Guards," a heavily armed para-military group mounted on horses and grotesquely attired as Arabs (to emphasize their "authenticity" as "natives of the East") forcibly evicted them from lands they had cultivated for years. The aim of socialist-Zionism to build a "New Hebrew Man" through the "conquest of labor" illustrates the way a self-contained narrative and ideology is able to mask – even eliminate from public consciousness – processes such as *Nishul*. In Zionist thought the "conquest of labor" stands out as a noble and empowering element of Zionist nation-building; indeed, the epitome of a radical socialist attempt to create a new "healthy and productive" society. Yet it had no reference to Palestinians, whose plight at being displaced from the lands and marginalized in the developing national economy did not even figure in. Since they had no part in the Jewish national narrative except as foils,

Palestinian attempts to resist displacement further fostered the popular Zionist image of illegitimate claimants (the land was lawfully purchased, after all, even if it did belong to "us") who were inherently hostile and violent. Such an image only legitimized whatever measures had to be taken to realize redemption/displacement. Ideology was backed by force, and also by organization, effective international political support and massive financial support. In these early years of "Practical Zionism" on the ground, accompanied by "Political Zionism" abroad, *Nishul* was never articulated as a policy. Rather, it was the positive goal of Zionism – redemption of the Land for the exclusive settlement of Jews – that concealed its implications even from many of its proponents.

2. **Systematic national Zionist expansion and emergence of the idea of *Nishul* (1918-1947).** In 1923, long before organized popular Palestinian resistance emerged, Ze'ev Jabotinsky, the founder of Revisionist Zionist and the ideological source of today's Likud Party, formulated his seminal "Iron Wall" doctrine:

    > "Every indigenous people will resist alien settlers as long as they see any hope of ridding themselves of the danger of foreign settlement. This is how the Arabs will behave and go on behaving so long as they possess a gleam of hope that they can prevent 'Palestine' from becoming the Land of Israel." [The sole way to an agreement, then,] is through the iron wall, that is to say, the establishment in Palestine of a force that will in no way be influenced by Arab pressure….A voluntary agreement is unattainable….We must either suspend our settlement efforts or continue them without paying attention to the mood of the natives. Settlement can thus develop under the protection of a force that is not dependent on the local population, behind an iron wall which they will be powerless to break down."

    This was certainly one of the first times the process of *Nishul* was explicitly mentioned. It was one of the first formulations that brought the "natives" and their reactions into account. Shlaim (2000) argues that the Iron Wall doctrine was fully adopted by Ben-Gurion and became a central tenet of Zionist policy, until this day.

3. **Active *Nishul* (1948).** The Israeli War of Independence, the Palestinian *Naqba*, witnessed displacement as a conscious and active form of what today would be called "ethnic cleansing" (from the point of view of one group driving out or displacing another, not in terms of massive killing as in Bosnia or Kosovo). Research of recent years clearly shows that plans of displacement were prepared even before war. Even if the suddenness and scale of the Palestinian exodus initially surprised the Zionist leaders, by the second half olf the war the Israeli military actively caused, encouraged and facilitated the exodus, and preparation were made for consolidating the gains that exodus created, including the prevention through various means of the refugees' return. With the creation of the "refugee problem," steps were taken to erase the Palestinian presence in the country. Some 418 villages were systematically destroyed, and the entire landscape underwent a process of "Judaization," including replacing Arab place names with Hebrew ones.

4. **Segregation, expropriation and consolidation of *Nishul* (1948-1966).** At partition, when the UN passed Resolution 181 (Nov. 29, 1947), Jews owned 7% of land of Palestine but were allocated 56%. After the 1948 war, Israel controlled 78% of the country (of the other 22%, the West Bank was formally annexed by

Jordan in 1950, and Gaza came under harsh Egyptian rule). In order to consolidate its gains, Israel immediately instituted a legal system to expropriate vast tracts of land from its Palestinian population, external refugees, "internal refugees" and *in situ* residents alike. Kimmerling (1976:223-236) sets out four stages whereby Israel alienated Palestinian land within Israel from its Palestinian owners: This process, still being implemented within Israel today and currently being applied in adapted forms to the Occupied Territories, worked as follows:

Stage 1. Israel Claims Sovereignty. The "Abandoned Areas Ordinance" Section 1(A) defines "abandoned territory" as "any area captured by the armed forces or surrendered to them or land abandoned by all or some of its inhabitants." This definition allows land to be declared "abandoned" whether or not its residents have left it.

Stage 2. Freezing the "Lack of Ownership." The Provisional Council of the State (1948) created a "Custodian" for the "abandoned areas." The "Absentees' Property Law - 1950" defines an "absentee" as an owner of a property in 1947-48 who was: (a) national or a citizen of Lebanon, Syria, Transjordan, Iraq, Egypt, Saudi Arabia or Yemen; (b) who was in any of these places or in parts of Palestine outside of Israel (WB/Gaza and East Jerusalem) during the 1947-48; or (c) was a Palestinian citizen who left his ordinary place of residence in Palestine for somewhere else before September, 1948, or for "a place in Palestine held at the time by forces which sought to prevent the establishment of the State of Israel or which fought against it after its establishment." This definition includes almost all Palestinians, including Israeli citizens, who left their homes, as most did, even to go to a neighboring village. Thus were created the "internal refugees" or "present absentees," especially residents of the Triangle.

Palestinians were also removed from their land by other means. The "Emergency Defense Regulations (1945)" empower military commanders to declare certain areas as "closed areas" to which entrance to or exit from is prohibited. Thirteen Palestinian villages and their lands were declared "closed areas," and this policy of restricting Palestinians from their own lands was reinforced by the Curfew of 1948-1966.

Actual evacuation of populations was made possible by several military orders such as "Regulation 8(A) of the "Emergency Regulations, Security Areas, 1949," which reads: "An authorized source may command a permanent resident of a security area to leave the area" (Kimmerling 1976:225-226). Most of the upper and eastern Galilee, as well as a ten kilometer strip along the border with Jordan, were declared "security areas," as were sections of the Negev. This allowed the expulsion of the residents of Ikrit and Baram, for example, as well as Beduoin groups from the Negev, like the Jahalin tribe. This was reinforced by the "Law of Land Acquisition in Time of Emergency," which empowered the authorities to issue a "Land Acquisition Order" in cases deemed "necessary for the defense of the state and public security."

Extra-legal means of expulsion were also employed between 1949-1959. Whole communities were expelled (e.g. Mag'dal, now Ashkelon, to Gaza in 1950); the Jahalin Bedouin from the Negev to Lod and subsequently to Jordan (the West

Bank), as well as thousands of individuals. This was presented as a "voluntary" evacuation.

Stage 3. "Israelification:" From "Lack of Ownership" to Israeli Ownership. A number of legal means were instituted in the early years of the state to expropriate Palestinian lands and hand them over to Israeli owners. The "Emergency Regulations for the Cultivation of Fallow Lands, 1948" empowered the Ministry of Agriculture to seize lands not (or "under-") cultivated to "ensure" their cultivation. When used together with the "Security Areas Regulations" and the Regulations on Closed Areas," both of which prevented Palestinians from reaching their fields, these regulations proved an effective means of confiscation.

In 1950 the "Development Authority" was created with the goal of acquiring "abandoned" Arab territories and lands and "developing" them. This was in line with the policy of not accepting back Palestinian refugees or "present absentees;" the Development Authority developed into the Israel Lands Authority. Although compensation was offered for lands (at 1950 rates, well below later market prices), most Palestinian owners refused it because taking compensation would validate the loss of their lands and signal their relinquishing them. Many owners also had no authority to "sell" what were collectively-owned lands, or could not agree to do so with other family members. Regulations issued in 1953 allowed the State to expropriate the lands of 250 "abandoned" Arab villages and individual parcels of land belonging to "absentees," equaling 1,500,000 dunums/375,000 acres.

Stage 4. De-Arabization. In general Palestinian ownership of land or even their territorial presence was perceived as a threat to Israeli sovereignty and the "Jewish character" of the State. The land had to be "nationalized." Israel emerged after the 1948 war consisting of 20 million dunums (5 million acres), or 72% of Palestine. But the Jewish National Fund owned only about a million dunums (250,000 acres), while Palestinians owned 5 million dunums (25% of the land in Israel, mainly in the Galilee). The Law of Absentee Property (1950) allowed it to acquire millions more, so that by 1962, 92.6% of the land belonged to either the State (15,205,000 dunums/3,800,000 acres) or to the JNF (3,570,000 dunums/893,000 acres). Palestinians ownership was down to 7.3% (1,480,000 dunums/370,000 acres) (*Israel Land Authority Report, 1961/62,* quoted in Kimmerling 1976:233).

By the time the process of displacement was largely completed (although it continues to this day), the Jews had sovereignty over the entire country and actual control of almost 93% of the land. Seventy percent of the Palestinians were now refugees beyond Israel's borders, and of those that remained some 40% were "internal refugees" who had been alienated from their lands. Yet Israeli governments still felt their hold over the country tenuous, and the process of *Nishul* continued apace. By the early 1960s, for example, only 8% of the population of the Galilee were Jews (10,000 of 120,000 people). This led the government to develop a policy – racist in its very conception -- of "Judaizing" the Galilee. Thousands of acres of Palestinian-owned land were expropriated for the building of Carmiel, Upper Nazareth and other "development" towns. When the Jewish population still did not reach a critical point of domination, dozens of "outposts" (or "community settlements") were established on hilltops to ensure

territorial control even with limited Jewish populations. Other policies of *Nishul* were developed for the center of the country, and especially for the Negev.

At the same time, legislation was strengthened (such as the "Basic Law: Israel Lands –1960) to prevent lands or houses built on either State Lands or lands controlled by the Jewish National Institutions from being sold, leased or rented to Palestinian citizens of Israel. Wherever possible – as in the current construction of the massive Trans-Israel Highway, part of whose explicit rationale is the "Judaization" of the Galilee (Halper 2000) – maximum amounts of Arab land are expropriated. As a result, Palestinian ownership (formal or customary) was reduced from 93% in pre-war 1948 to 25% immediately after the war to just 4% today (Abu-Zayyad 1997:14).

5. **Occupation, colonization and the laying of a Matrix of Control over the West Bank, East Jerusalem and Gaza (1967-1993).** Physical displacement does not entail expulsion or dispossession only. In the case of Israel's occupation of the Palestinian territories conquered in 1967, it has also taken the form of Israeli expansion at the expense of the local inhabitants, so that in the end they find themselves still in their homes but nevertheless displaced -- alienated from their lands and resources, confined to restricted spaces, unfree in their land and completely at the mercy of the dominant power.

Since 1967 Israel has pursued a single-minded policy of integrating the West Bank and East Jerusalem (much less so Gaza) into the body of Israel proper. It has done so partly out of security concerns (Israel considers the Jordan River as its eastern security border), partly (and probably mostly) out of an attachment – whether historical or religious -- to the Greater Land of Israel. Sixty-four square kilometers were cut out of the West Bank, renamed "East Jerusalem," and annexed to Israeli West Jerusalem. Seventy-two percent of the rest of the West Bank was declared "State Land," effectively (if not always in practice) alienated from its Palestinian and Bedouin owners. In addition to a strategic grid of military installations and points of control, Israel moved some 400,000 of its civilians into more than 200 settlements across the 1967 "Green Line." Because Israel rejects the notion that its presence is "occupation," defining it instead as an "administration" until the final status of the conquered territories is resolved by negotiations, it does not accept the application of human rights conventions, primarily the Fourth Geneva Convention protecting civilians of occupied territories. Although it is alone in this position, the United States lent tacit support by redefining the status of the Occupied Territories from "occupied" to merely "disputed" after the signing of the Oslo Accords.

In order to confine the Palestinian population to small specified areas to keep most of the land free for settlements and Israeli military activities -- and to foreclose the emergence of any viable and sovereign Palestinian state -- Israel placed over the Occupied Territories a Matrix of Control consisting of several overlapping layers:

First, the same physical links and points of control that created the space for the settlers and Israeli military also defined the Matrix that constricts and controls the Palestinians.

the settlements and expanding settlement "blocs;"

a massive system of highways and "by-pass roads;"

strategically located military installations closed military areas; and

industrial parks.

Within this grid were then located the varied instruments of control:

internal checkpoints and border controls, leading to a permanent "closure" of the Occupied territories in 1993 and to differing degrees of internal closure and even beseigement;

"areas" restricting Palestinian residence and movement while protecting the settler population and preserving lands for future settlement (areas A, B and C of the West Bank; H-1 and H-2 in Hebron; yellow, green, blue and white areas in Gaza, as well as numerous and strategically located "nature preserves");

Israeli-controlled holy places in heavily-populated Palestinian areas, providing a pretext for a military and settler presence;

aquifers and an electrical grid under Israeli control; and more.

The second layer of the Matrix of Control is bureaucratic and "legal." It is composed of myriad military orders, planning policies, required permits and mechanisms of enforcement that entangle the Palestinian population in a thick web of restrictions. Among the most egregious of these restrictions are:

zoning of almost all West Bank land as "agricultural" in order to freeze the natural development of towns and villages;

a politically motivated system of building permits, enforced by house demolitions, designed to confine the population to its constricted enclaves;

land expropriation for (solely Israeli) "public purposes;"

restrictions on planting;

licensing and inspection of Palestinian businesses;

closure;

restrictions on movement and travel; and more.

A third layer of the Matrix, always present but brutally evident since the outbreak of the second Intifada, consists of all the mechanisms of force Israel is able to marshal in order to maintain the Matrix and its own control:

> the military institutions of the Occupation (the all-powerful rule of the Military Commander of the West Bank and of the Civil Administration);
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> imprisonment on a mass scale, torture and assassination;
>
> an extensive network of collaborators which both controls and undermines local society;
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> the use of extortion, threats and other pressures on families to sell their lands;
>
> the wholesale destruction of Palestinian crops; and much more.

The purpose of settlement and the Matrix of Control was to make the Israeli presence massive and irreversible, "facts" on the ground that would determine the outcome of negotiations in Israel's favor even before they began. This policy echoes Ben-Gurion's support for Jabotinsky's Iron Wall Doctrine; a massive settlement presence, combined with overwhelming military force (combined, today, with American and considerable European support), would simply cause the Palestinians to despair of ever stopping Nishul, the process of displacement, and to finally submit to living under Jewish/Israeli control. Addressing the Jewish Agency in 1936, after the outbreak of the Arab Revolt (or the "disturbances" in Zionist terms), Ben Gurion said:

> "A comprehensive agreement is undoubtedly out of the question now.. For only after total despair on the part of the Arabs, despair that will come not only from the failure of the disturbances and the attempt at rebellion, but also as a consequence of our growth in the country, may the Arabs possibly acquiesce to a Jewish Eretz Israel" (quoted in Shlaim).

Virtually all the elements of the Occupation violate international law, in particular the Fourth Geneva Convention which prohibits colonialism and any policies that make an occupation permanent. Israel's Occupation also contains elements of Apartheid as defined by the International Convention on the Suppression and Punishment of the Crime of Apartheid. These include:

> Denial of the right to life and liberty of person;
>
> Collective punishments;
>
> Murder (including extra-judicial assassinations);
>
> Infliction of serious bodily or psychological harm;
>
> Arbitrary arrest and illegal imprisonment;

Deliberate imposition of living conditions calculated to cause the subordinate groups' physical destruction in whole or in part;

Preventing and/or limiting the right to work; to form recognized trade unions; to education; to nationality; to freedom of opinion and expression; to freedom of peaceful assembly and association;

Restrictions on freedom of movement and residence (embodied in the closure, travel bans, restrictions on the use of roads and threats to Palestinian residency rights).

Segregation and control of the "demographic balance;"

Expropriation of landed property;

Exploitation of labor; and

Persecution of organizations and persons because they oppose Apartheid [*Nishul*}.

The Occupation is thus an explicit expression of *Nishul*, as well as the patently illegal status of *Nishul* policies in international law. It illustrates both the gains that have been made in creating an international civil society – and the degree to which enforcement is still dependent on power relations.

6. **Completion of the Nishul System: First Attempt -- The Oslo Process (1993-2000).** While the "peace process" was proceeding, presumably on the basis of a viable and sovereign Palestinian state that would emerge in the Occupied Territories alongside Israel, the strengthening of Israeli "facts on the ground" continued apace. The settler population doubled during this period, a project of building a massive system of some 250 miles of "by-pass roads" was inaugurated (funded by the US), a permanent closure was imposed on the Occupied Territories and, in general, the process of *Nishul* gathered momentum. Water, electricity, the economy, the ability to move people and goods were brought completely under Israeli control. Moreover, an ambitious plan to irreversibly integrate the West Bank into Israel proper was begun as part of the Trans-Israel highway program. Indeed, by 2001, the process of *Nishul* had been virtually completed, with Israel firmly in control of the entire country.

What remained was the dilemma of what to do with the Palestinians living in the West Bank and Gaza. Various methods of active displacement has been tried – from exile, deportation and the revoking of residency rights to induced emigration through impoverishment, land expropriation, house demolitions and other means of making life in the Occupied Territories unbearable. Hundreds of thousands of Palestinians had "departed," but some three and a half million still remained. Annexing the territories and granting its Palestinian inhabitants Israeli citizenship was out of the question, since that would result in a bi-national state and spell the end of Zionism. Continuing the Occupation was counter-productive, since it

would eventually generate international opposition as a type of Apartheid, thereby threatening the *Nishul* project altogether. The trick, then, was to find an arrangement that would leave Israel in control (de facto if not actual), but would "relieve" it of the Palestinian population.

This was the "Oslo dance:" How much land could Israel relinquish if it wished to relieve itself of the Palestinian population but still maintain its control of the entire country? Barak made a strategic decision to halt the process of *Nishul* -- or at least shift its character somewhat -- in favor of control. This is the background orf his famous (and mythical) "generous offer" in the Taba negotiations of January 2001, when he supposedly offered the Palestinians 95% of the Occupied Territories (though he was prepared to discuss relinquishing some 88%). The fallacy of evaluating Barak's "generosity" solely on the basis of territory is that 95% (or 88%) does not equal viability and sovereignty. Israel could "give" the Palestinians considerable swathes of land but still retain control. Indeed, keeping only 5-10% of the occupied lands would allow Israel to retain 80% of its settlers, control over Palestinian movement by using its settlements and roads to truncate their territory at strategic locations, control the sprawling area of "Greater Jerusalem as well as control over Palestine's borders, water and airspace. It is that mere 5-10% that makes the difference between a *viable* Palestinian state and a South African-type bantustan.

7. **Completion of the Nishul System: Second Attempt -- The Reoccupation and the Creation of a Palestinian Bantustan (2001-present).** What Barak had in mind was a kind of occupation-by-consent, a "solution" clearly unacceptable to the Palestinians but presented to them in a "take-it-or-leave-it" manner. In the wake of the second Intifada that broke out in September 2000, the Palestinians' subsequent turn to terror, Sharon's rise to power and the creation of a broad "National Unity" government that included Labor, the Oslo process ended. By late 2001 the process of reoccupation began, reaching its climax in the all-out invasions of March-April 2002 and continuing until the present moment in the various "mop up" operations. Barak's strategic compromise of territory for control has been rejected by Sharon, who believes he has found the solution to the problem that eluded South Africa: how to create a bantustan that can be imposed on the local population, maintained indefinitely and "sold" to the international community.

The first part of Sharon's plan is that Gaza will become the center of a Palestinian mini-state, a sop to international demands for Palestinian independence that will suffice to let the world move on to other issues.The Oslo process -- as well as simply a "common sense" look at the map -- suggested something else: a Palestinian state centered in the West Bank, with tiny Gaza as an appendage. With this in mind, the main problem over the last decade has been how to create enough territorial space on the West Bank that a viable Palestinian state can emerge, with the Israeli presence significantly reduced or even eliminated. The reoccupation fundamentally altered that map. By laying waste to the West Bank, Israel will force the Palestinian administration to move to Gaza, which it has left more or less intact. At some point, probably when Arafat leaves the scene and a more compliant leader can be found, Gaza will become the heart of the Palestinian state

as a sop to international demands for Palestinian independence. Sharon already characterizes Gaza as "the PLO prison."

The West Bank will then be divided into three or more separate and disconnected cantons defined by Israeli settlement blocs and Israeli-only highways, together with the wall ("defensive fence") being built along the West Bank/Israeli border. A look at the map suggests a northern canton emerging around the city of Nablus, a central one around Ramallah and a southern one in the area of Hebron. Each would be connected independently to Israel, with thin Israeli-controlled links between them. Canton residents could be granted Palestinian citizenship without endangering Israeli control.

Zionism and Apartheid: Could Israel Get Away With It?

After a century, the process of *Nishul* is near completion. A full-blown system of Apartheid between a state of Israel occupying between 80-90% of the country Palestinian entity in Gaza and a few West Bank islands has already emerged. It merely needs the imprimatur of the US, with Europe falling into step. But given the tremendous international opposition aroused by South African Apartheid, can Israel pull this off? Sharon thinks so, and for several good reasons.

First, Zionism has a legitimacy that Apartheid never enjoyed. The convergence of the Jewish experience of persecution (and a concomitant Christian guilt), an image of a small democratic and Western Israel facing hordes of fanatical Arabs and the sympathy Israel's "fight against terrorism" arouses in our post 9.11 reality (especially when directed against a demonized Arafat) permit Israel a latitude of oppression and human rights abuses far beyond that given to South Africa.

Second, Israel's "trump card" is the American Congress, which is sufficient for repelling challenges from any other quarter. all it needs. Uncritical Congressional support protects Israel not only from other international actors -- Europe (which refuses to assert an independent policy), the Arab countries, the UN and human rights bodies -- but also from even slightly critical American Administrations. Blanket Congressional support is guaranteed by Jewish influence over the Democratic Party and the influence of the Christian Right over the Republicans. Thus unreserved support found its most explicit expression in the May 2, 2002, resolution passed in the wake of the attacks on Jenin and coinciding with Sharon's visit to Washington. That resolution supporting Israel's campaign to destroy "the terrorist infrastructure" and fiercely attacking the Palestinian Authority passed the Senate by 94-2 and the House by 352-21.

Third, Israel has placed itself squarely in the center of one of the world's largest and most sensitive industries: arms development and sales. Israel receives powerful support from many members of Congress due to the jobs and revenues it generates in their states and districts, either as a recipient of billions in American military aid annually (in fact a subsidy of the American arms industry), or as a main American sub-contractor.

Holding Israel Accountable

Israel over Palestine threatens to bring another Apartheid system back into the world at a time when we were all convinced that the South African system has been discredited forever. Zionism and the image of Jews as powerless victims to whom the world owes a debt lends Israeli policies a legitimacy -- or at least constrains countries from actively opposing them -- that South African Apartheid never had. International isolation and the imposition of economic and cultural sanctions, so effective against South Africa, have proven impossible to mount against Israel, not least because of Jewish and Christian support for Israel in the US and Europe.

Again, international humanitarian law provides a way out of the conflict. Indeed, Israel need not be demonized or even ostracized as white-ruled South Africa was. If Israel were made merely to conform to existing human rights covenants upon which it itself has signed -- and in particular the Fourth Geneva Convention -- the Occupation would be dismantled of its own accord and a relationship of equality and peace between Israelis and Palestinians would emerge. Israel will not voluntarily give up its occupation, and internal Israeli public opinion is neither crystallized sufficiently, nor able to influence its political leaders enough, to end the Occupation from the inside. Nor are governments or international bodies willing to act. Without prodding by the NGOs, faith-based organizations, trade unions and activist political groups, an end to the Occupation may be far off. We must mobilize international civil society to insist that Israel be held accountable to international law. That is possible. Aided by modern communications and supported by a growing set of institutions and legal frameworks, international civil society is having an increasingly important influence on the privileged world of governmental decision-making. Witness the anti-Apartheid movement, anti-globalization campaigns, the prominence of NGOs in the human rights summit in Durban and the environmental/sustainable development summit in Johannesburg, together with the rapidly expanding World Social Forum network.

Beyond the localized issues at stake, the Israeli-Palestinian conflict represents the historical moment, and the issue, that will test our effectiveness, our very relevance. Having shed the naivete of Oslo, we must follow the up-coming political process with eyes wide-open and critical. We must not allow the Israeli government or others to successfully sell schemes of autonomy, mini-states or Apartheid to a gullible public. It is up to us to ensure that a new Apartheid-era South Africa does not emerge before our eyes.

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