

Palestine: The Existing Question

By [Remi Kanazi](#)

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May 15 marked the 58 year anniversary of Al Nakba (The Catastrophe). Every year, Palestinians recount the tragedy of 1948. I recall my grandmother's anguish: she was seven months pregnant with my mother when she was forced to flee to Lebanon by boat. She waited in Lebanon. The weeks turned into months. The months turned into years...58 years later my grandmother has yet to return to her house in Jaffa.

When the Zionists forces (the Haganah, Irgun, and Stern Gang) tore Palestine limb from limb, depopulating villages, uprooting cemeteries, and pillaging arable fields—Israel had not even been created. Today we see a fight for Israel's "right to exist." But what right does Israel have to exist in its current form?

United Nations (UN) Resolution 194 states,

"The 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."

Israel's admittance into the UN was conditional: it *must* recognize UN Resolution 194. Nevertheless, since the passing of UN Resolution 273—which admitted Israel into the UN on May 11, 1949— Israel has openly rejected this requirement. Commenting on Israel's dismissal of the resolution, Professor of Law Francis A. Boyle wrote in his book *Palestine, Palestinians and International Law*,

"Insofar as Israel has violated its conditions for admission to UN membership, it must accordingly be suspended on a *de facto* basis from any participation throughout the entire United Nations system."

Yet, the world hasn't seen one UN resolution concerning Israel enforced by the UN or the international community. America specifically refers to "countless" UN resolutions Iraq refused to comply with as a major reason to invade in 2003. If America were to invade Iraq on this reasoning, one would think they would at least attempt to enforce the UN resolutions pertaining to Israel.

The implementing of UN Resolution 194 was the condition for Israel's "right to exist." Today we see many more factors that should make one contemplate this right. Israel illegally occupies East Jerusalem, the West Bank and the Gaza Strip. Post-disengagement, Israel continues to occupy Gaza through control of borders, air, water, and resources. According to the Israeli newspaper Haaretz, since March 31 of this year, Israel has fired more than 5100 artillery shells at Gaza.

The occupation is illegal under international law and UN resolution 242 (reaffirmed by

resolution 338). UN resolution 242 explicitly states that Israel must “withdraw from territories occupied.” On this basis, before going into the brutality of the occupation, one cannot expect the Palestinian Authority to recognize Israel’s “right to exist.”

Furthermore, Israel exists today as a Jewish state and not coincidentally a racist state. The Palestinians living inside Israel are second-class citizens. Discriminatory laws are in place regarding religion, marriage, and land ownership. Access to education, jobs and economic stability has been hindered due to successive Israeli administration’s prejudiced policies. One can not expect those in the Occupied Territories to recognize Israel, if Israel as a Jewish state does not recognize the rights of one in five of its citizens. Just this week the Israeli High Court voted down a law that would instate “family reunification,” the unifying of Palestinians living outside of Israel with their spouse living inside Israel. This is one more policy that tries to force those living inside Israel to emigrate to the Occupied Territories or elsewhere. One father who has been trying to get Israeli citizenship since 2004 to reunite with his wife and two daughters, asked the Israeli newspaper Haaretz, “How do you explain to a five-year-old girl that daddy won’t be home because of a law?”

The discriminatory policy of the government is emblematic of the feeling in Israeli society. A recent poll conducted by the Israel Democracy Institute found that 62 percent of Israelis prefer that their government promote the emigration of the Palestinian population living inside Israel. Electronic Intifada, a website that covers the Israeli/Palestinian conflict from the Palestinian perspective, published a piece by I’lam, “the only media centre for the Arab minority in Israel,” which stated, “Recent polls have shown that, while on average 40 per cent of Israelis want Arab citizens forced to leave the country, that figure rises close to 60 per cent when respondents are asked, more ambiguously, if they want the Arab population ‘encouraged’ to emigrate.” Israel’s systemic desire for the separation and future dispossession of its Palestinian citizens is yet another reason to question its “right to exist” in its current form.

It is particularly absurd for Israel and the West to call upon the Palestinian government to recognize Israel when Israel refuses to recognize the Palestinian people. Take for example the policy implemented during the Oslo years, a policy that continues today. During the Oslo years settlements expanded at an inordinate rate with a clear mission to expand the borders of Israel, jeopardizing the possibility of a future Palestinian state on 22 percent of historic Palestine—the internationally recognized 1967 borders.

Today we see Kadima’s plan for the recognition of the Palestinian people: Judaize Jerusalem (while permanently dispossessing as many Palestinians as possible through extensions and encirclements of the Apartheid Wall), expand and connect desirable and densely populated settlements, and extend the policy of unilateralism thereby hindering any opportunity for cohesion, reconciliation or negotiations. The border policy of Israel is compounded with a 38 year occupation, which includes land confiscation, home demolitions, permanent checkpoints, flying checkpoints, curfews, expropriation of vital resources such as water, strip searches and various acts of humiliation and collective punishment. On the physical front, Israel has illegally detained thousands of Palestinians (in most cases torturing them), extrajudicially assassinated hundreds of Palestinians, killed hundreds of women and children, and has fired thousands of artillery shells on the Occupied Territories. This course of action continues unabated, while the world sits idly by. Furthermore, the illegal settlers in the Occupied Territories abuse the Palestinian population with virtual impunity. Thousands of cases have surfaced where settlers have beaten Palestinians, thrown rocks at their children

on their way to school, killed family livestock, and burnt down or uprooted their olive trees. The Israeli government has done nothing to stop these actions.

On the other hand, the Palestinian Authority has complied with the Sharm al-Sheikh cease-fire and has maintained the agreement well past its expiration only to be met with an economic and political boycott by Israel and the international community. Israel and the West's policy of not recognizing the Palestinian people have driven up the figures of unemployment, poverty, and malnutrition.

The most significant point of hypocrisy is Israel and the West's double standard regarding the governments in the conflict. If the world is to believe that Israel does not have to recognize Yasser Arafat or a Hamas-led PA because they are terrorist entities, would Israel not be held to the same standard? Their policies and tactics are in direct violation of international law and the Geneva Conventions, while their practices have been criticized by every major human right organization in the world, not to mention the Hague's critical ruling on the Apartheid Wall. Israel does not recognize the Palestinian Authority, not based on their refusal to recognize Israel, but on Israel's summation of what the PA represents. Should the PA not be able to make the same assessment?

No people, surely no occupied people, should be expected to recognize Israel under these conditions. The international community should not demand the Palestinians recognize Israel, but ask themselves an important question: given the circumstances does Israel have a right to exist?

Remi Kanazi is the primary writer for the political website www.PoeticInjustice.net He lives in New York City as a Palestinian American freelance writer, poet and performer and can be reached via email at remroum@gmail.com

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