

Palestine: “There’s No Conflict, There’s An Illegal Occupation”

Interview With Dr. Asem Khalil

By [Edu Montesanti](#)

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Professor Doctor Asem Khalil, Ph.D. in Constitutional and International Law, Associate Professor of Law of Birzeit University, West Bank, speaks of ways to consolidate the Palestine State, and definitely end Israeli crimes against humanity in the Palestinian territories.

Edu Montesanti: Dear Professor Doctor Asem Khalil, thank you so very much for granting this interview. How do you evaluate the meeting between **President Donald Trump** and **Prime-Minister Benjamin Netanyahu** on February 15? “I’m looking at two-State and one-state” formulations, President Trump said during a White House news conference with Mr. Netanyahu. “I like the one that both parties like. I’m very happy with the one that both parties like. I can live with either one”. Your view, please.

Dr. Asem Khalil: The Palestinians always called for a One State; as a compromise they accepted to enter a peace process where two state solution is envisaged as a way to get peace. If by one state, we mean equal rights for all citizens,

I don’t see why Palestinians would reject that – if they were first to ask for it and accepted only as a compromise the call for two state solution where most of historic Palestine will be part of the now state of Israel.

I think the answer given by Trump wasn’t thought through enough, and I don’t think Israel would go for a one State where one person one vote anyway.

Edu Montesanti: Why cannot Israel and the Palestinians decide alone the question? Why do Palestinians need a third party to get an agreement?

Dr. Asem Khalil: Palestinians are under occupation. It is not their own responsibility to negotiate with the occupier; for sure, it is not part of any negotiation whether to maintain or end occupation – negotiation may be on the modalities on how to do that only.

So far, Palestinians are in a weak position. They are requested to chose pacific means to reach liberation and end occupation, while at the same time, they are asked to negotiate directly with an occupier who continues to confiscate land day on day out.

It is the responsibility of the international community to put an end to one of the last occupations in the world. It is the responsibility of all community of states to make sure that

rights of Palestinians – which are erga omnes – are respected.

Edu Montesanti: The United Nations Security Council Resolution 2334 voted on December 23 last year, condemning the Israeli settlements as a flagrant violation of international law and a major impediment to the achievement of a two-state solution, changes nothing on the ground between Israel and the Palestinians. UN member States “agree to accept and carry out the decisions of the Security Council”, according to the UN Charter. Human rights and the international community also condemns the Israeli settlements and military attacks against Palestinians. **Journalist Daoud Kuttab** observed in *Al-Jazeera* in February, in the article *US and Israel join forces to bury Palestinian statehood*: “Ever since the 1967 occupation, the United Nations Security Council has repeatedly expressed the illegality of the occupation, as in the preamble of Resolution 242 ‘emphasizing inadmissibility of the acquisition of territory by war’.” Why does nothing change year by year, massacre after massacre?

Dr. Asem Khalil: Change doesn’t come by UN resolutions. There are few cases like the one of Israel where the UN and the Security Council in particular showed how incompetent they are in dealing with Israel’s violations of Palestinians’ rights on their land and their right to self-determination.

Palestinian leadership, nonetheless, still think that such resolutions are important. They help maintain clear what is just and what is not.

What is acceptable and what is not. Changes in international relations and power relations between states may help in the future bring the change that is needed. Although it may be too late by then.

Edu Montesanti: What are the crimes committed by Israel against Palestinians?

Dr. Asem Khalil: There are various massacres that were committed by Israel against Palestinians surrounding the creation of the state of Israel in 1948 – causing and contributing to forced displacement and refugeehood of thousands of people.

Many other massacres were committed afterwards, either directly or indirectly. Bombings directed towards civilian areas and facilities continued in recent years when attacking Gaza.

Edu Montesanti: How is life in Gaza and in the West Bank?

Dr. Asem Khalil: Gaza is being qualified as a big prison – unqualified for human living because of lack of necessary civilian infrastructures and lack of jobs.

Most West Bank populated cities are living under Palestinian Authority rule – which coordinates with Israel in security and civil matters too.

Edu Montesanti: **Professor Avi Shlaim** observed days ago, in *Al-Jazeera*: “Sadly, the Palestinians are handicapped by weak leadership and by the internal rivalry between Fatah and Hamas.” Your view on the internal politics in Palestine, please, Professor Doctor Khalil.

Dr. Asem Khalil: He is right. This is part of the problem and why stagnation is in place. It is part of the story though.

The full picture is an Israeli occupation which separated Gaza from West Bank and maintained legal and political fragmentation since then; it is also in the way Oslo separated de facto the two areas and maintained a status quo where Palestinians are not dealt with by Israeli occupation - and contrary to the wordings of Oslo - as one political community and West Bank and Gaza Strip were not in reality considered or dealt with as one political entity.

Edu Montesanti: What could we expect from Arab leaders from now on?

Dr. Asem Khalil: We don't have much expectations. We think the Arab region is now busy with their own problems.

They are now seeing the Palestinian issue as marginal and secondary. This is very problematic now.

Edu Montesanti: How do you see the *Boycott, Divestment, Sanctions (BDS)* movement?

Dr. Asem Khalil: The BDS movement can be the way ahead for peaceful resistance to occupation and apartheid in Palestine. Israel is aware of the historical precedence of South Africa and the boycott movement that ended up at the end in delegitimizing the apartheid regime in South Africa, and contributed to the entry of a new era there.

We hope similar thing happens now - not delegitimizing the state of Israel, but the apartheid regime in place.

Edu Montesanti: What is the solution to the conflict, Professor Doctor Asem Khalil?

Dr. Asem Khalil: There is no conflict. There is an occupation that needs to come to an end; a colonization project that needs to be aborted; an apartheid regime that needs to be dismantled; justice and equality to be restored.

If and when this is done, no need to think of mechanisms to end a conflict because it wouldn't exist.

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