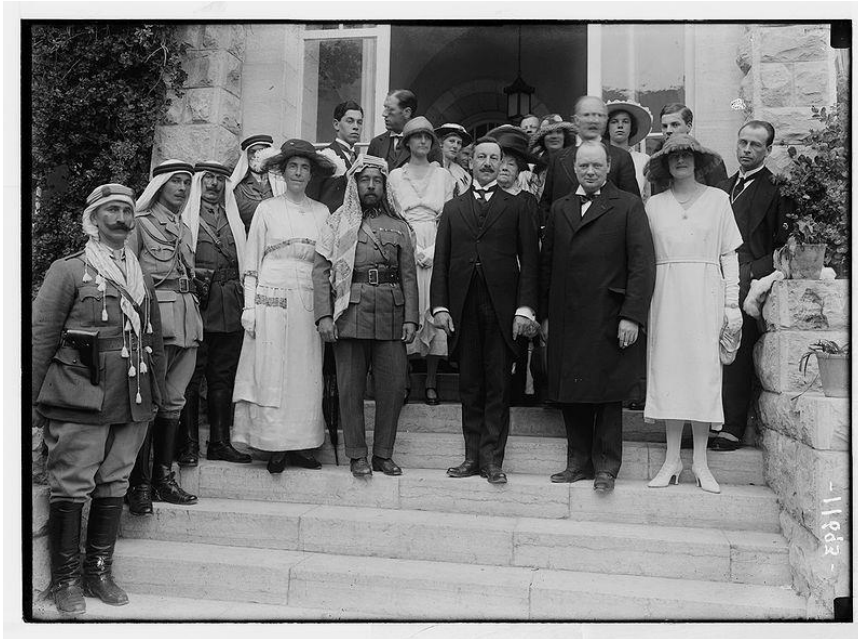


Shifting the Narrative



Emir Abdullah, Herbert Samuel and Winston Churchill, in Al-Quds, 28 March 1921

Two Springs in a row the Israel lobby prevailed upon the University of Southampton to forbid an [academic conference](#) looking at whether Israel is a legitimate state. The trumped-up grounds had been security concerns, as a handful of neighbouring Zionist activists had hinted at disruption.

After several other universities in England and the Netherlands likewise deemed the conference too hot to handle, the Southampton-based organisers turned to academic friends at University College Cork, in Ireland, where free speech is still alive, and on the weekend of 31 March – 2 April 2017 thirty-eight academic papers were finally discussed on the theme ‘International Law and the State of Israel: Legitimacy, Exceptionalism and Responsibility’.

Richard Falk gave the keynote talk, building on his [recent report](#) proving the apartheid nature of Israel as defined in international law. Falk, 2008 – 2014 UN Special Rapporteur on Palestinian Human Rights, traced the fragmentation of the Palestinian community from 1917 onwards, showed that Israel’s racial policies apply to all Palestinians, not only those living between the river and the sea, and concluded that other states are obliged to put a stop to this, or any other instance of apartheid, through for instance boycott and state-level sanctions.

The report, co-authored by Virginia Tilley, author in 2005 of *The One-State Solution*, was also forbidden: The commissioning agency, the UN Economic and Social

Commission for Western Asia (UNESCWA) in Beirut, took it off its website under pressure from the UN Secretary-General, leading ESCWA leader Rima Khalaf to resign and making it hard to find the actual report online. [FOR THE PDF OF THE REPORT [CLICK HERE](#).]

International Law vs Israel

The legal scholars who spoke showed that challenges to Israel's legitimacy are found in perhaps a dozen recurring principles of international law, some binding on all states, as well as many specific documents and covenants. Israel's settler-colonialism violates, for example, the right to self-determination of the indigenous Palestinian people, whose claim to self-determination *in Palestine* is many times stronger than that of the Zionist immigrants claiming Palestine for the Jewish people.

Or, take the uncontested right of the millions of displaced Palestinians to return to their homes in Israel: Over and above anti-colonial and anti-apartheid arguments, the right of return can perhaps be more intensively sought through practical litigation, the more so as the refugees, or displaced, are disenfranchised and often stateless. They had, after all, Palestinian nationality according to the British Mandate Citizenship Order of 1925, but were unilaterally stripped thereof by Israel in 1948-1952. Two speakers specifically addressed this question of the legitimate citizenry of whatever state rules historic Palestine and Israel's denial of the human right to (one's own) nationality.

The much-needed presentation by Salman Abu Sitta provided [a factual foundation](#) for realising the right of return, showing on maps the hundreds of ethnically-cleansed villages and counting the at least 8 million dispersed Palestinians who could, realistically, return to the lands restored to Palestinian ownership (over 90% of Palestine) with little conflict with present, secondary residents.

Israel's genesis was also seen to be relevant to its legitimacy, Ghada Karmi for instance criticising the United Nations' mere 'recommendation' in General Assembly Resolution 181 of 29 November 1947 that the Palestinian homeland be partitioned. This US-engineered move not only violated provisions of the UN Charter and principles of state succession, but re-opened the basic question of denial of self-determination through the British Mandate, never even investigated by the International Court of Justice.

Since Zed Books will most likely publish a book containing many of the papers, and since the conference site has further information, including a [closing statement](#) summarising the happenings, I will only relate some over-arching points that struck me as a participant.

Courageous Plain Talk

The title of co-organiser Oren Ben-Dor's talk hints at three major shifts in how we speak about the Palestine-Zionism conflict that were initiated or reinforced by the conference: 'How can a right for a Jewish State to exist not be tantamount to a right to commit an international crime?' Or crimes: apartheid, racism and the replacement of an entire indigenous culture by means of force.

First, the shift away from talking about Palestine as if it were only the West Bank and the Gaza Strip, with some fuzzy status for Jerusalem, and hopefully away from co-opting the term 'occupation' to refer only to what happened in 1967, even if speaking of the 'Occupied Palestinian Territories' is a hard habit to break. The shift is *towards* always asking after all the rights of all Palestinians – the entire 13 or so million living both within and outside historic Palestine – after decades of ignoring both the Palestinians in Israel and the externally displaced.

Second, the shift away from documenting and condemning Israel's *actions* as opposed to exposing its *being*. It is its self-declared (Jewish) essence, namely, which causes all of its illegal and immoral actions, be it maintenance of the demographic supremacy of Jews, or robbing those under its jurisdiction of their daily dignity, stealing others' land, or wiping them out in periodic small and large lethal attacks. Thus several speakers looked in detail at Israel's founding documents and repeated self-definition as an ethno-religious state. From these goals, from this identity, flows the suffering of the Palestinians. In other words, we are once again talking about *Zionism*.

Third, the shift away from the undesirable two-state solution, away from the partition which has for 100 years been universally rejected by the indigenous, away from Zionism on four-fifths of Palestine. That said, the one-democratic-state alternative was only briefly dealt with, mainly its 'bi-national' version rather than the liberal-democratic version which does not assume collective Jewish rights in Palestine. Of course tension remains between the rights-based approach and the solutions-based approach, [some maintaining](#) that discussion of solutions should remain an exclusively Palestinian matter.

Other areas of tension: Is it Israel, or only the Israeli 'regime', which is incompatible with Palestinians' political and human rights and with most parts of international law? Shall we directly or circumspectly enter the real-world debate over Israel's 'right to exist' – denial of which would be implied by its illegitimacy? For the Jewish *state* in Palestine, after all, the question is existential, while the vision shared by all participants was that no Jewish individuals need be expelled or disenfranchised.



A Call for Return and International Solidarity

Crucially, one speaker decried the Eurocentrism of our whole discourse, stating clearly that too little space is given to distinctively Palestinian, or perhaps Western Asian, points of view and categories of legal and constitutional thought. The implicit issue is who 'owns' the framework or starting-point of our anti-Zionist approach. What is the right mix of Zio-centrism and its implicit Judeo-centrism with a more positive orientation around Palestinian self-definitions and solutions rooted in the Arab and Arabic history of the Holy Land. This view is perhaps congruent with that of one speaker who elaborated on *Jewish* opposition to Zionism, both Ashkenazi and Mizrachi, including local Jews present in Palestine for centuries.

Another tension can be discerned between legal and ethical approaches. Since the law is not *sui generis*, arising rather out of a mixture of ethics and power, no speaker challenged the law's embeddedness in morality and human rights. Those less knowledgeable about international law, on the other hand, welcomed learning about it and using it as a tool to reach ethical goals.

Real-life Debate

Was the conference 'balanced'? As to the ratio of Jewish to indigenous-Palestinian speakers, I personally believe the discussion would profit from a higher portion of the latter. The Palestinian Other has in the West been invisible and unheard for so long, and so fundamentally, that even some correction in the other direction might be salutary. Moreover I don't believe there was space at the conference for Palestinian anger, even

hate. While all agreed that peace without the precondition of justice is an unworthy goal, the mix of retributive as opposed to restorative or transitional justice was left undiscussed.

But the issue raised before the conference from its Israel-lobby critics was that it was one-sidedly critical of Israel. As a description, this is of course accurate. But this is meaningless unless we ask *why*.

All interested academics were invited to submit papers. If only two accepted, that is the problem of the Zionists. In the event only one turned up while the other, Alan Johnson of the Britain Israel Communication and Research Centre (BICOM), cancelled at the last minute. At least one pro-Israel blogger was present, as well as several soft Zionists and an editor of England's *Jewish Chronicle*. But both in concept and in practice the conference was open-minded and respectful of all views.

More broadly however, all academic conferences lean one way or another. A conference on Freudian psychology never includes more than one or two who basically reject the Freudian framework. Conferences I have attended on ecological economics never attracted climate-change deniers who believe the earth's resources and its capacity to absorb pollution are unlimited. To single out this conference for criticism is, well, illegitimate. And there will of course be follow-up conferences, perhaps with more focus and depth and with more time allotted to self-criticism and defensive reasoning by Israeli apologists themselves.

Take-home Thoughts

In sum, if a state is beyond reasonable doubt colonialist, apartheid, and racist, one can only avoid declaring it illegitimate if colonialism, apartheid and racism are declared legitimate – or unless these international crimes are after all legitimate in certain circumstances, bringing us to the hoary justification of Israel's misbehaviour on grounds of exceptionalism.

Personally, I believe that in addition to being a victory for free speech – thanks to the principled tenacity of the organisers and indeed all participants, and to the people of Cork – it was an achievement to take a step towards normalising the discourse of Israel's being, its legitimacy or lack thereof, its placement of a European problem's solution in Western Asia, and whether it is 'right' that it exists where it exists and at the cost of the Palestinians. Not only does this address the elephant in the room, it enables contact with the century-old Palestinian resistance to Britain's imposition of the Jewish National Home project.

One can count the number of Palestinians describing themselves as Zionists on the fingers of one hand. The discourse is once again about Zionism, the Jewish state in

Palestine, at the level of the causes of the region's problems and their possible remedy using international law.