

DECOLONIZATION: THE CASE OF PALESTINE

INTRODUCTION

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Decolonization: The Case of Palestine

INTRODUCTION

Since before the creation of Israel, the Zionist movement's axiom has been clear: to create a 'Jewish state' in Mandatory Palestine and to artificially engineer Jewish 'purity' in the land – a goal that was eventually amended to Jewish majority instead due to its perceived impracticality.¹ The bedrock on which this vision has been created and maintained is settler-colonialism, racial discrimination, and racial elimination of the Palestinian people through forcible transfer. As such, colonization, apartheid, and forcible transfer constitute Israel's defining pillars, which continue to be necessary for the regime's survival. These three pillars are the principal drivers of its racist policies to maintain a 'Jewish state' between the Jordan River and the Mediterranean Sea, thereby denying the Palestinian people's inalienable rights to self-determination and return.²

Emphasizing the nature of the Israeli colonial-apartheid regime is crucial given that the prevailing discourse among the international community has long held that the situation in Palestine is a national conflict in that it "represents a clash between two national movements."³ This paradigm has defined interventions of third-party states and international actors in Palestine since before the Nakba, as evidenced by the British Mandate's

1 See, for example, in Zionists' own words, Theodore Herzl, *Der Judenstaat (The Jewish State)* (M. Breitenstein's Verlags-Buchhandlung, 1896); Ze'ev Jabotinsky, 'The Iron Wall' (1923) <<http://en.jabotinsky.org/media/9747/the-iron-wall.pdf>> accessed 5 April 2023.

2 For more information on forcible displacement, see BADIL's forcible transfer series: BADIL, *Forced Population Transfer: The Case of Palestine – Introduction* (Working Paper No. 15, BADIL 2014) [hereinafter BADIL, *Forced Population Transfer - Introduction*] <https://www.badil.org/cached_uploads/view/2021/04/19/wp15-introduction-1618823118.pdf>.

3 Nadim Rouhana, 'Decolonization as Reconciliation: Rethinking the National Conflict Paradigm in the Israeli-Palestinian Conflict' (2017) *Ethnic and Racial Studies* 647.

1917 Balfour Declaration.⁴ In 1947, this myopic approach culminated in the Partition Plan for Palestine. Neglecting the colonial nature of the Zionist movement and the Palestinian people's right to self-determination, United Nations General Assembly (UNGA) Resolution 181 (II) deemed that creating two states in Mandatory Palestine, one for the Jewish population and one for the Palestinian Arab population, was the most appropriate solution for what were framed as equally valid contentions over the territory.⁵

Subsequently, conflict resolution has continued to shape the international response to the situation in Palestine – a response that was officially cemented in the 1993 Oslo peace process.⁶

The national conflict/conflict resolution paradigm, which rests on multiple erroneous assumptions, has grievously distorted the reality on the ground by obscuring the root causes and pillars of Israeli domination. This is evident when considering that the international community recognizes Israel's legitimacy in 1948 Palestine without regard for its violent colonial origins that have resulted in the forcible transfer and displacement of more than 65 percent of the Palestinian people.

Over the past few years, this paradigm has started to give way to more accurate and critical modes of analysis. More than two decades of labor in the form of reports, organizing, and advocacy by Palestinian civil society,⁷ have laid the foundation for what we now see as a

4 The text of the Balfour Declaration can be found at: Lillian Goldman Law Library, 'Balfour Declaration 1917' (Yale Law School, 21 February 2012) <https://avalon.law.yale.edu/20th_century/balfour.asp#:~:text=%22His%20Majesty's%20Government%20view%20with,religious%20rights%20of%20existing%20non%2D> accessed 5 April 2023.

5 181 (II). Future government of Palestine (29 November 1947) UNGA Res A/RES/181(II) [hereinafter UN Partition Plan < <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/038/88/PDF/NR003888.pdf?OpenElement>> accessed 5 April 2023.

6 BADIL, 'Palestinian Youth Perspectives on the Oslo Peace Process: Successes, Failures and Alternatives' (2021) Working Paper No. 27 <https://www.badil.org/cached_uploads/view/2021/09/15/wp27-pal-youth-vs-oslo-eng-1631700884.pdf>.

7 See BADIL, 'Racism, Refugees, and Apartheid' (2002) 15, al-Majdal <https://www.badil.org/cached_uploads/view/2021/05/06/al-majdal-15-1620308690.pdf>.

mainstreaming of the apartheid framework in the global discourse on Palestine. Notwithstanding various groundbreaking reports, such as those from former Special Rapporteur John Dugard in 2007, former Special Rapporteur Richard Falk in 2014, the UN Economic and Social Commission for Western Asia (ESCWA) in 2017, Special Rapporteur Michael Lynk in 2022, and current Special Rapporteur Francesca Albanese in 2022,⁸ it was only in the last few years that members of the international community, including other Special Rapporteurs, Human Rights Watch and Amnesty International, have adopted this terminology in their assessments and condemnations of Israel.⁹

Still, Palestinians have long recognized that apartheid is but one pillar – albeit a significant one – of the Israeli regime, and that the regime’s settler colonial logics must also be acknowledged as an essential frame in which apartheid has evolved. While the framework of settler colonialism shapes the analysis of many Palestinian human rights organizations and academics, it remains largely absent from the discourse of duty bearers and stakeholders in the international community. In fact, the failure of international reports and statements to (1) recognize Israel’s colonial nature and (2) illuminate the

8 John Dugard, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ (29 January 2007) A/HRC/4/17 <<https://digitallibrary.un.org/record/593075?ln=en>>; Richard Falk, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ (13 January 2014) A/HRC/25/67 <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/25/67>; See also the withdrawn report issued by UN Economic and Social Commission for Western Asia (ESCWA), Israeli practices towards the Palestinian People and the Question of Apartheid (15 March 2017) E/ESCWA/ECRI/2017/1 <https://www.middleeastmonitor.com/wp-content/uploads/downloads/201703_UN_ESCWA-israeli-practices-palestinian-people-apartheid-occupation-english.pdf>; Michael Lynk, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ (12 August 2022) A/HRC/49/87 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/448/72/PDF/G2244872.pdf?OpenElement>>; Francesca Albanese, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967’ (21 September 2022) A/77/356 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N22/598/03/PDF/N2259803.pdf?OpenElement>> accessed 5 April 2023.

9 Amnesty International, *Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity* (Amnesty International 2022) <<https://www.amnesty.org/en/documents/mde15/5141/2022/en/>>; Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (Human Rights Watch 2021) <https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf> accessed 5 April 2023.

connections between apartheid and colonialism as practiced by the Israeli regime constitutes one of their most consequential shortcomings.¹⁰ Al-Haq's recent report addresses this substantial omission by detailing how the two forms of domination function in relation to one another in Mandatory Palestine, namely that apartheid is a tool of colonialism.¹¹

The shifting discourse, while a development deserving of recognition, is not sufficient in and of itself to realize and guarantee the inalienable rights of the Palestinian people. Rather, it demands that stakeholders specify an appropriate course of action for dismantling the Israeli colonial-apartheid regime and advance such an approach in tangible ways. As such, the forthcoming series of working papers outlines **a comprehensive approach for rights-based decolonization over all of Mandatory Palestine, which is the only suitable and just solution for the liberation of Palestine.**

This Introduction Paper is the first of a five-paper series on *Decolonization: The Case of Palestine*. While this paper will establish the intended framework for decolonization, the subsequent papers in the series will constitute an in-depth exploration of the required actions, processes and means for achieving complete decolonization in Mandatory Palestine. The series aims to provide a comprehensive rights-based decolonization approach that addresses the fundamental and inalienable political, economic, social, and cultural rights of the Palestinian people in a decolonized Palestine. The Decolonization Series is thus guided by the following question: What does rights-based decolonization in Palestine look like in concrete terms? To answer this question, the series necessarily contends with Israel's system of domination — colonization and apartheid — in tandem with forcible transfer.

10 BADIL, 'Survey of Palestinian Refugees and Internally Displaced Persons 2019-2021' (2022) X Survey of Palestinian Refugees & IDPs [hereinafter BADIL, Survey of Palestinian Refugees 2019-2021] <https://www.badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf> accessed 5 April 2023.

11 Al-Haq, *Israeli Apartheid: Tool of Zionist Settler Colonialism* (Al Haq 2022) <https://www.alhaq.org/cached_uploads/download/2022/11/29/israeli-apartheid-webversion-1-page-view-option-01-1669748323.pdf> accessed 5 April 2023.

Guided by this, this paper's subsequent sections define the relationship between colonization, apartheid, and forcible transfer in the context of Palestine, summarize theoretical and legal frameworks for decolonization, and present the framework for decolonization in Palestine. This introductory paper also includes an overview of the upcoming working papers in the series, which detail different elements and policies of the Israeli colonial-apartheid regime. Simultaneously, the future papers of the series will also describe what is required for each to be dismantled, uprooted, and ultimately wholly decolonized, as well as the policies needed to guarantee the Palestinian people's inalienable rights of self-determination and return.

1. THE ISRAELI REGIME: COLONIZATION, APARTHEID, AND FORCIBLE TRANSFER

It is a matter of historical record that, from the onset of Zionism, colonization was perceived as “the instrument of nation-building” for a pure Jewish state.¹² This pillar of domination intended to arm the newly-created ‘Jewish nation’ with national rights, namely “the right to separate existence in a territory of its own and the right to create a Jewish state”.¹³ It is this same idea of separate existence that, in a context where (Palestinian) land already has a (Palestinian) people, necessarily requires demographic engineering and by virtue, racial elimination of the other. **In the case of Palestine, this racial elimination took the form of forcible transfer, a heinous crime under international law.** To realize this, Zionism adopted a *terra nullius* discourse that attempts to erase the presence of the Palestinian people by employing tactics of forcible transfer, ethnic cleansing, and genocide – similar to other

12 Faye A. Sayegh, *Zionist Colonialism in Palestine* (Research Center - Palestinian Liberation Organization 1965), 2.

13 *Ibid*, 1.

settler colonial states, such as the United States, Canada, Australia, and New Zealand.¹⁴ This ideology set fertile ground for the culmination of the Nakba between 1947-1949 which caused the forcible displacement of between 750,000 to 900,000 Palestinians, and the modern-day perpetuation of the Ongoing Nakba,¹⁵ where more than 65 percent of the Palestinian people have become forcibly displaced persons.¹⁶

1.1. Failed Racial Elimination = Adoption of Racial Domination

However, given that the Zionist-Israeli regime was unsuccessful in completely achieving its vision of separate existence and its corresponding goal of total Palestinian elimination in the late 1940s, a logic of racial domination has been deployed by the regime – that of apartheid.¹⁷ It is no surprise that Israel has created an apartheid regime considering that, as suggested by Virginia Tilley, a system of apartheid is implemented to “serve a group’s survival agenda by physically excluding other groups – a policy that has little to do with the nature of others except that they are, by definitions, others.”¹⁸ In other words, such a group believes that it is unable to survive with others in its midst, and thus finds it absolutely necessary to dominate them regardless of the illegal or unjust implications. Israel, as a regime that seeks an overwhelming Jewish

14 Haifa Rashed and Damien Short, ‘Genocide and settler colonialism: Can a Lemkin-inspired genocide perspective aid our understanding of the Palestinian situation?’ (2012) 16(8) The International Journal of Human Rights 1142-1169 <<https://www.tandfonline.com/doi/abs/10.1080/13642987.2012.735494>> accessed 5 April 2023.

15 BADIL has used the terminology of Ongoing Nakba since its creation in 1998. For one of its earlier publications on the Ongoing Nakba, see BADIL, ‘Ongoing Nakba’ (2006) 29 al-Majdal <https://www.badil.org/cached_uploads/view/2021/05/06/al-majdal-29-1620308707.pdf>. For more recent discussions on the Ongoing Nakba, see BADIL, Survey of Palestinian Refugees 2019-2021 (n 10).

16 BADIL, Survey of Palestinian Refugees 2019-2021 (n 10).

17 BADIL, ‘Survey of Palestinian Refugees and Internally Displaced Persons 2013-2015’ (2015) VIII Survey of Palestinian Refugees & IDPs <<http://www.badil.org/phocadownloadpap/badil-new/publications/survey/Survey2013-2015-en.pdf>>.

18 Virginia Tilley (ed), *Beyond Occupation: Apartheid, Colonialism and International Law in the Occupied Palestinian Territories* (Pluto Press 2011), xiv.

majority as a non-negotiable strategy to securing its existence as a 'Jewish state', operates with this logic. Hence, it works to maintain all forms of domination, including demographic, political, cultural, and juridical, by Jewish-Israelis over the Palestinian people as the 'other' group that exists in Mandatory Palestine.

Therefore, since its creation in 1948, Israel has developed an intricate web of illegal policies and practices to secure its status as a 'Jewish state' and to grant special privileges to Jewish-Israelis. As most recently evidenced by the Jewish Nation-State Basic Law, this status is now inscribed in Israeli law whereby Jewish-Israelis are granted preferential treatment based on a Zionist-constructed doctrine of 'Jewish race'.¹⁹ Such laws have necessarily been premised on the domination, segregation, fragmentation, and isolation of the Palestinian people as well as the suppression of any resistance or existence that allegedly threatens the Israeli vision of a 'Jewish state'. Simultaneously, Israeli laws, such as the Law of Return,²⁰ Nationality Law,²¹ and the Absentee Property Law,²² have been used to denationalize Palestinians, confiscate Palestinian land and properties, forcibly displace and transfer Palestinians, prevent their repatriation, discriminate against them, and impose Zionist-Israeli sovereignty over the whole of Mandatory Palestine.²³ Spanning across all areas of Palestinian life, including nationality, property, land, and natural resources, these

19 Basic Law: Israel - The Nation-State of the Jewish People, 5778-2018 (originally adopted in 5778-2018, last amended 1 May 2022) <<https://m.knesset.gov.il/EN/activity/documents/BasicLawsPDF/BasicLawNationState.pdf>> accessed 5 April 2023; see also BADIL, *The Nation State Law: The Culmination of 70 Years of Israeli Apartheid and Colonization* (Position Paper, BADIL 2018) <https://www.badil.org/cached_uploads/view/2021/04/20/nationstatelaw-positionpaper-badil-oct2018-1618905362.pdf>

20 Law of Return (1949-1950) 5710 <<https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/36-Law-of-Return-1950.pdf>> accessed 5 April 2023.

21 Nationality Law (1952) 5712 <<https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/English/37-Citizenship-Law-1952.pdf>> accessed 5 April 2023.

22 Absentees' Property Law (1950) 5710 <<https://www.un.org/unispal/document/auto-insert-209845/>> accessed 5 April 2023.

23 BADIL, Forced Population Transfer – Introduction (n 2).

colonial-apartheid laws alter the geographic and demographic character of Palestine, and ultimately preclude the Palestinian people from exercising their inalienable rights to self-determination and return.²⁴

1.2. Indivisibility of Colonization, Apartheid, and Forcible Transfer in the Israeli Regime

When considering Israeli laws, policies, and practices, it is often impossible to distinguish between policies that are associated with colonization and others that are associated with apartheid or forcible transfer. This is because they exude characteristics of all three that work together to dominate, subjugate, suppress, exploit, and displace the Palestinian people. To clarify, as per the definitions in the Declaration on the Granting of Independence to Colonial Countries and Peoples (Decolonization Declaration) and the Apartheid Convention, respectively, they are tools of domination aimed at the “partial or total disruption of the national unity and territorial integrity of a country”²⁵ and are simultaneously committed “for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them”²⁶ “in the context of an institutionalized regime of systematic oppression and domination.”²⁷

24 See 3236 (XXIX). The Question of Palestine (22 November 1974) UNGA Res A/RES/3236(XXIX) <[https://undocs.org/A/RES/3236%20\(XXIX\)](https://undocs.org/A/RES/3236%20(XXIX))> accessed 5 April 2023; BADIL, *Palestinian Self-Determination: Land, People, and Practicality* (Working Paper No. 28, BADIL 2021) <https://www.badil.org/cached_uploads/view/2021/11/15/wp-28-self-determination-1636973309.pdf>.

25 Declaration on the Granting of Independence to Colonial Countries and Peoples, UNGA Res 1514 (XV) (14 Dec 1960) [hereinafter Decolonization Declaration] <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/88/PDF/NR015288.pdf?OpenElement>> accessed 5 April 2023.

26 International Convention on the Suppression and Punishment of the Crime of Apartheid (30 November 1973) A/RES/3068(XXVIII), art 2 <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf> accessed 5 April 2023.

27 Rome Statute of the International Criminal Court (17 July 1998) 2187 UNTS 90, art 7(2)(h) <<https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>> accessed 5 April 2023.

It is not a matter of coincidence that the Israeli regime is defined by two pillars of domination that have been recognized as “inimical to human rights,”²⁸ and underpinned by forcible transfer. These forms of domination do not rely on mere coexistence to achieve their own goals; rather, when merged, they develop a dynamic symbiotic relationship of complementarity that bolsters and swells the other.

Each one, offering unique opportunities of domination, allows Israel to advance its Zionist colonial project of creating a ‘Jewish homeland’ in Mandatory Palestine while imposing policies and practices of exploitation and subjugation against the Palestinian people to maintain superiority of the colonizers – the privileged Jewish-Israeli group. It is undeniable that Israel has needed both colonization and apartheid to undermine Palestinian self-determination and fabricate its own. This is because colonization and apartheid have allowed Israel to, *inter alia*, forcibly transfer more than 65 percent of the Palestinian people (and keep them away) and colonize more than 85 percent of Mandatory Palestine.²⁹ Correspondingly, these pillars of domination have allowed the regime to set and maintain the privileges of the ‘Jewish group’ while fragmenting, isolating, and suppressing Palestinian presence, existence and resistance. As such, the Israeli regime’s primary pillars today are colonization, apartheid, and forcible transfer, all of which are predicated by settler implantation and codification of colonizer privileges – this amalgamation ultimately culminates in the Israeli colonial-apartheid regime that exists today.

28 Dugard (n 8), 3.

29 BADIL, Creeping Annexation: A Pillar of the Zionist-Israeli Colonization of Mandatory Palestine (2020) Working Paper No. 25 <https://www.badil.org/cached_uploads/view/2021/04/19/wp25-creepingannexation-1618823962.pdf>.

2. SOLUTION TO ISRAEL'S COLONIAL-APARTHEID REGIME: DECOLONIZATION AND ERADICATION OF ROOT CAUSES

Recognizing that Israel is a colonial-apartheid regime dictates that the solution must be rights-based decolonization on the whole of Mandatory Palestine. Ending a colonial-apartheid regime is not, and cannot be, dependent on the will of the colonizers and oppressors. Moreover, colonialism and apartheid simply cannot end with the withdrawal of a colonial power or the shifting of borders so long as this colonial power continues to deny the right to self-determination of the people it has colonized.³⁰ This is particularly so considering that self-determination has become the “normative framework for advancing decolonization.”³¹ Within any colonial structure, “the existing system is fundamentally and irreparably flawed”³² and, indeed, “there is no freedom to be found in a settler state, either one that would seek to give it or take it away.”³³ It then follows that the way to ensure the liberation of the Palestinian people is only through **all-encompassing decolonization, uprooting the root causes of Israeli apartheid and colonization as well as Palestinian forcible transfer, and dismantling the political, socio-economic, legal and ideological elements of the colonial-apartheid regime.**

2.1. Theoretical Background on Decolonization

While an in-depth discussion of the factors driving the “core period”³⁴ of decolonization in the mid twentieth century is outside the scope of this

30 Tilley (n 18), 15.

31 Albanese, (n 9).

32 Michael Yellow Bird and Waziyatawin (eds), *For Indigenous Eyes Only: A Decolonization Handbook* (SAR Press 2005), 4.

33 Jarrett Martineau, ‘Fires of Resistance’ (*The New Inquiry*, 24 November 2016) <<https://thenewinquiry.com/fires-of-resistance/>> accessed 5 April 2023.

34 Pransenjit Duara (ed), *Decolonization: Perspectives from Now and Then (Rewriting Histories)* (1st edition, Routledge 2003), 1 [emphasis in original].

paper, Jansen and Osterhammel present five models for categorizing and analyzing the historical process across contexts: the transfer of power model, the model of national liberation, the neocolonialism model, the unburdening model, and the world politics model.³⁵ Each model offers a broad description of how political authority came to be vested in the hands of the formerly colonized peoples stressing different primary actors or forces in this process.³⁶ In many instances, as the names of the models suggest, the process of decolonization was largely dictated by the colonial powers and their interests as a result of economic and political factors.³⁷ The model of national liberation stands out from the others in terms of the central role of the colonized peoples in their liberation and as a result, this model is the most applicable to the Palestine case.

Jansen and Osterhammel describe the national liberation model of decolonization as “the toppling of alien rule based on violence by native liberation movements aiming to unite their nation and availing themselves of a broad spectrum of means, from peaceful negotiation to boycott to armed struggle.”³⁸ Given the pervasiveness and entrenchment of Zionist-Israeli domination in all aspects of Palestinian life, it follows that Palestinians will need to develop and employ diverse strategies to effectively dismantle the different policies that make up the Israeli colonial-apartheid regime. In addition, central to this model is the notion that “[l]iberal or reform-oriented tendencies or a readiness on the part of the colonizers to relinquish control are generally considered as secondary or as a means to defuse anticolonial resistance.”³⁹ In the Palestine context, it is unlikely that the colonizers will give up their power and privileges willingly since doing so would mean the end of a ‘Jewish state,’ Zionism’s express purpose and goal.

35 Jan C. Jansen and Jürgen Osterhammel, *Decolonization: A Short History* (Jeremiah Riener tr, Princeton University Press 2017), 29-31.

36 *Ibid*, 31-32.

37 *Ibid*.

38 *Ibid*, 30.

39 *Ibid*.

Therefore, the Palestinian people, as the people of Palestine, have the right to achieve their inalienable rights in the land. Accordingly, they are the agents who can and should define the pathways and implement the tools necessary to achieve liberation. Nonetheless, during the process of decolonization, the current Jewish-Israeli colonizers can contribute to the liberation of Palestine, inasmuch as they are willing to surrender their colonizer privileges and to actively play a role in dismantling the Israeli colonial-apartheid regime. This is critical considering that post-decolonization, both Palestinians and Jewish-Israelis will constitute the people of the newly liberated Palestine.

2.2. The Legal Framework for Decolonization

Prohibition on colonization emerged gradually in the nineteenth and twentieth century as a result of the spread of national liberation movements and anticolonial resistance throughout the colonies, the exhaustion of European funds for sustaining direct imperial rule and imperial rivalries, and the influx of African and Asian states into the United Nations.⁴⁰ Only in the 1960s, however, was this prohibition codified in the Decolonization Declaration. Most of the rules and provisions have acquired the status of customary international law before their codification in the Declaration, and therefore, the Decolonization Declaration itself has gained customary legal status.

In regards to defining colonization, the Decolonization Declaration does not explicitly provide a definition, but its language does emphasize the practices associated with colonialism which herein characterize a colonial regime. These are: (a) the denial of self-determination (i.e., impeding the social, cultural, and economic development of peoples);⁴¹

40 Angela Loschke, 'The United Nations between "old boys' club" and a changing world order: The South African-Indian dispute at the United Nations, 1945–1955' in Nicole Eggers, Jessica Lynne Pearson, and Aurora Almada e Santos (eds), *The United Nations and Decolonization* (Routledge 2020), 85.

41 Decolonization Declaration (n 25).

(b) subjection of peoples to alien subjugation, domination, and exploitation;⁴² (c) armed action or repressive measures against peoples;⁴³ (d) and partial or total disruption of national unity and territorial integrity.⁴⁴

2.3. UN Mechanisms: Decolonization Declaration and Committee

The Decolonization Declaration further provides guidelines on what comes after colonization, i.e., decolonization. Article 4, for instance, calls for an end to the armed repression of colonized peoples “in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.”⁴⁵ Similarly, Article 5 calls for the transfer of all powers to the peoples of those territories, “without any conditions or reservations.”⁴⁶ Article 5 also specifies that this applies to “all other territories which have not yet attained independence,”⁴⁷ which is especially important in the case of Palestine as it was under a League of Nations colonial mandate.⁴⁸ A day after the adoption of the Decolonization Declaration, the UNGA adopted Resolution 1515 (XV) of 15 December 1960, which recommends that “the sovereign right of every State to dispose of its wealth and its natural resources should be respected”.⁴⁹ In 1962, the

42 *Ibid*, art 1.

43 *Ibid*, art 4.

44 *Ibid*, art 6.

45 *Ibid*, art 4.

46 *Ibid*, art 5.

47 *Ibid*.

48 See Victor Kattan, *From Coexistence to Conquest, International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press 2009); Mandate for Palestine (signed 12 August 1922) C. 529. M. 314. 1922. VI.< <https://www.un.org/unispal/document/auto-insert-201057/>> accessed 5 April 2023.

49 1515 (XV). Concerted action for economic development of economically less developed countries (15 December 1960) UNGA Res A/RES/1515 (XV), art 5 <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/152/89/PDF/NR015289.pdf?OpenElement>> accessed 5 April 2023.

UNGA similarly adopted Resolution 1803 (XVII), affirming the right of peoples to permanent sovereignty over their natural resources.⁵⁰

Additionally, the UN has developed various mechanisms that, whether directly or indirectly, have provided colonized peoples with avenues to combat colonialism. In 1961, for example, the Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence of Colonial Countries and Peoples (Special Committee on Decolonization) was established “in order to examine the application of the Declaration on Decolonization and to make suggestions and recommendations on the progress and extent of the implementation of the Declaration.”⁵¹ The Special Committee focuses on the issue of Non-Self-Governing Territories (NSGTs), following the UN Charter’s definition on NSGTs defining them as “territories whose peoples have not yet attained a full measure of self-government.”⁵² Self-governance itself has been identified by the UNGA as having been satisfied by a territory “(1) by becoming a sovereign state; (2) by freely associating with an independent nation-state; or (3) by integrating into an independent nation-state.”⁵³ While Palestine is not one of the 17 NSGTs that the Special Committee on Decolonization concerns itself

50 1803 (XVII). Permanent sovereignty over natural resources (14 December 1962) UNGA A/RES/1803 (XVII) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/193/11/PDF/NR019311.pdf?OpenElement>> accessed 5 April 2023. The right to permanent sovereignty over natural resources was later enshrined as part of the right to self-determination in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR).

51 United Nations Department of Global Communications, ‘Ten Frequently Asked Questions on the United Nations and Decolonization’ (*United Nations*, 25 July 2019) <https://www.un.org/dppa/decolonization/sites/www.un.org.dppa.decolonization/files/10_faqs_un_and_decolonization.pdf> accessed 5 April 2023.

52 United Nations Charter, ‘Declaration Regarding Non-Self-Governing Territories’ (24 October 1945) Chapter XI, art. 73 <<https://www.un.org/en/about-us/un-charter/chapter-11>> accessed 5 April 2023.

53 UNGA, ‘Principles Which Should Guide Members in Determining Whether or Not an Obligation Exists to Transmit the Information Called for Under Article 73 of the Charter’ (15 December 1960) A/RES/1541 (XV) <<https://digitallibrary.un.org/record/206178?ln=en>> accessed 5 April 2023.

with, this was more so a political ploy than a matter of factuality, given that Palestine was under a League of Nations colonial mandate prior to the creation of Israel.⁵⁴

Furthermore, international criminal law, particularly the International Criminal Court (ICC) and potential *ad hoc* tribunals, have the purported potential to serve as a space where colonized peoples can hold their colonizers accountable. Although this avenue is limited as it does not consider colonization as a crime in and of itself, it still presents an avenue to deal with the various crimes that perpetrators commit in a colonial context, including the international crimes of forcible transfer and apartheid.⁵⁵ As such, it can be utilized in the case of Palestine to hold accountable those accused of committing international crimes and implement reconciliation measures amongst Palestinians and Jewish-Israelis.

2.4. Past Case Studies of Decolonization

The UN, through its various mechanisms and committees, has made multiple attempts to facilitate the decolonization of states and peoples under colonial rule, with varying levels of success. The extent of success (or failure) of past decolonization cases has almost always been directly correlated with the level of political will and international mobilization. This is because it is the application of legal principles and mechanisms that determine their effectiveness, not their mere existence.

The UN's intervention in the decolonization of the Democratic Republic of the Congo, for example, is argued to have demonstrated how the UN "had failed to exercise global governance free of [Great Power politics

⁵⁴ See Kattan (n 48); Mandate for Palestine (n 48).

⁵⁵ See Noura Erakat and John Reynolds, 'We Charge Apartheid? Palestine and the International Criminal Court' (*TWAILR: Reflections*, 20 April 2020) <<https://twailr.com/we-charge-apartheid-palestine-and-the-international-criminal-court/>> accessed 5 April 2023.

and bipolar] ideologies.”⁵⁶ After the reinvasion of Belgian troops in the Congo following its independence in 1960, the UN Security Council (UNSC) adopted Resolution 143 in 1960, establishing the UN Operation in the Congo (ONUC). However, due to political alignments in the UNSC during the Cold War, ONUC refused to engage in a military offensive; this was argued to have failed to prevent the escalation of the crisis, arousing “strong criticism that the organization privileged Western agendas and interests at the expense of anticolonial and Afro-Asian aspirations.”⁵⁷

The role of the UN and the international community was marginally more successful in the case of the decolonization of the Portuguese colonies between the 1960s and 1970s. For example, in 1961, the UN established the Special Committee for the Territories under Portuguese Administration.⁵⁸ The Special Committee’s report was very critical of Portugal’s colonial policies, emphasizing that a form of colonial subjugation existed in the colonies and that “no degree of reform could satisfy the aspirations of the inhabitants of Portugal’s colonies.”⁵⁹ The Committee also called for ending all military assistance to Portugal. Importantly, the Committee allowed for the participation of national liberation movements from former Portuguese colonies, including the National Front for the Liberation of Angola and the Mozambique Liberation Front. These movements believed that independence could be achieved through elements of diplomatic activity, but they were also committed to armed struggle. Within this frame, the Decolonization Committee recognized the legitimacy of armed struggle

56 Anna Lovelace, ‘When Global Governance Wins: The Role of the United Nations in Decolonization’ (2014) UC Merced Undergraduate Research Journal 7(2), 79 <<https://doi.org/10.5070/M472027451>> accessed 5 April 2023.

57 Caio Simões de Araújo, “A Crisis of Confidence”: The postcolonial moment and the diplomacy of decolonization at the United Nations, ca. 1961’ in Eggers et al., (n 40), 108.

58 1699 (XVI). Non-compliance of the Government of Portugal with Chapter XI of the Charter of the United Nations and with General Assembly resolution 1542 (XV) (19 December 1961) UNGA Res A/RES/1699(XVI) <<http://www.worldlii.org/int/other/UNGA/1961/113.pdf>> accessed 5 April 2023.

59 Aurora Almada e Santos, ‘The United Nations and Portuguese colonies, 1961–19621: Information gathering and the evolving interpretation of Article 73(c)’ in Eggers et al., (n 40), 181.

in 1965,⁶⁰ and facilitated the attribution of observer status to national liberation movements, as evidenced by UNGA Resolution 2878 (XXVI).⁶¹ Accordingly, the Special Committee and the Decolonization Committee – although not the sole actors that facilitated the independence of previous Portuguese colonies – did present an arena where national liberation movements “were able to gain legitimacy as representatives.”⁶²

In the case of South Africa, Namibia, and Zimbabwe (or ‘Southern Rhodesia’ at the time), the Special Committee on Decolonization has arguably played a more significant role. It submitted demands to the UNGA and UNSC that were substantially more progressive than former UN bodies, demanding that “mandatory sanctions imposed by the Security Council on Southern Rhodesia should be backed by force and should be extended to cover South Africa and Portugal as well.”⁶³ It also recognized the right of colonial peoples in southern Africa to resist, and saw it as an exercise of their right to self-determination and independence. It was due to this resistance and advocacy that the UNGA began, in 1965, to describe the combination of colonization and apartheid as a crime against humanity, as reflected in the Apartheid Convention. The African nationalist struggles were also legitimized in Resolution 2508 (XXIV) of 21 November 1969 and Resolution 2517 (XXIV) of 1 December 1969, adopted for Southern Rhodesia and Namibia respectively.

Additionally, the International Court of Justice (ICJ) advisory opinion on Namibia in 1971 found that, “the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its

60 Yassin El-Ayouty, *The United Nations and Decolonization: The Role of Afro-Asia* (Martinus Nijhoff 1971), 236.

61 Aurora Almada E Santos, ‘The Role of the Decolonization Committee of the United Nations Organization in the Struggle Against Portuguese Colonialism in Africa: 1961-1974’ (2012) 4(1) *The Journal of Pan African Studies* 248, 255 <<https://www.jpanafrican.org/docs/vol4no10/4.10TheRole.pdf>> accessed 5 April 2023.

62 *Ibid*, 257.

63 El-Ayouty (n 60), 236.

administration from Namibia immediately.”⁶⁴ It further contended that member states are obligated to “recognize the illegality of South Africa’s presence in Namibia [...] and to refrain from any acts [...] implying recognition of the legality of, or lending support or assistance to, such presence and administration.”⁶⁵ Similarly, the ICJ Advisory Opinion on the case of Western Sahara stipulated that “the existence, at the time of Spanish colonization, of [...] legal ties of allegiance between the Sultan of Morocco and some of the tribes living in the territory of Western Sahara” does not affect “the application of General Assembly Resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination [...] of the [...] peoples of the Territory.”⁶⁶

2.5. Critique of the Decolonization Legal Framework and its Application

The resolutions in the case of South Africa were effective in as much as the international community’s political will allowed for. This is evidenced by two factors: (1) the effectiveness of these resolutions was only realized almost two decades later when the international community mobilized against apartheid and political will was triggered due to the shifting political environment, and (2) decolonization is not yet fully realized in South Africa, almost three decades post the ‘end’ of apartheid, due to the partial and incomplete application of UN mechanisms and international law. Regrettably, “the tragedy for the Third World is that the mechanisms used by international law to achieve decolonization were also the mechanisms

64 *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276* (ICJ Advisory Opinion) 1970, para 133 <<https://www.icj-cij.org/sites/default/files/case-related/53/053-19710621-ADV-01-00-EN.pdf>> accessed 5 April 2023.

65 *Ibid.*

66 *Reports of Judgments, Advisory Opinions and Orders: Western Sahara* (ICJ Advisory Opinion) 1975, paras 161 & 162 <<https://www.icj-cij.org/sites/default/files/case-related/61/061-19751016-ADV-01-00-EN.pdf>> accessed 5 April 2023.

that created neo-colonialism.”⁶⁷ A glaring example of this includes the case of Resolution 1803 (XVII), which called for the right of peoples to permanent sovereignty over natural resources. Despite states from the Global South succeeding in pushing for this resolution, the UNGA included a clause on the obligation of states to compensate private, and often colonial, companies in the case of expropriation.⁶⁸

The reality of neocolonialism and/or partial decolonization has manifested in South Africa in different ways, where colonialism’s enduring effects and new articulations are undeniable. Despite the abolition of formal apartheid, apartheid in South Africa, “did not die; it was privatized.”⁶⁹ Wide-spread systemic segregation and racial discrimination still exists in South Africa today, primarily due to the fact that decolonization was not fully realized as the application of international law and legal principles was incomplete.

The work of the UN and the international community alike have undoubtedly succeeded in delegitimizing certain forms of overt colonization. However, despite the legal foundations, it is clear that the application of the existing legal framework on decolonization is insufficient and negligent. Accordingly, proper decolonization can only unfold when international law is taken as a whole, and when the international community meets all of its obligations under international legal principles. The underlying problem with the lack of substantial avenues for effective decolonization, especially in the case of Palestine, is not necessarily due to a lack of legal mechanisms. In fact, it is the lack of political will and selective and/or partial application of international law that prevents the total elimination of colonization. As such, a thorough rights-based and accountability-based approach is necessary in order to envision an effective framework for decolonization.

67 Antony Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge University Press 2006), 192.

68 Resolution 1803 (XVII) (n 50), art 4.

69 Sizwe Mpofu-Walsh, *The New Apartheid* (Tafelberg 2021), 6.

3. FRAMEWORK FOR RIGHTS-BASED DECOLONIZATION IN PALESTINE

Based on the aforementioned cases and critiques, it is necessary to adopt a framework for decolonization that deliberately tackles the root causes of the colonial-apartheid reality. Simultaneously, such a framework should be grounded in the Palestinian people's inalienable rights to self-determination and return, in order to not sustain hegemonic power dynamics. Entrenching the framework in a rights-based approach allows us to bridge the gap between decolonization and a political program for Palestinian liberation. Importantly, this series adopts the view that **a rights-based approach is synonymous with decolonization, implying that an apt decolonization approach is necessarily rights-based, as it is virtually impossible to fulfill the Palestinian people's rights without uprooting the pillars of Israeli domination.** It is also correspondingly inconceivable to eradicate apartheid and colonization unless the Israeli regime as a whole is dismantled and a new system grounded in equal rights for all is established.

Accordingly, in the Palestine case, a rights-based decolonization framework is three-tiered in that it encompasses: (1) dismantling the Israeli colonial-apartheid regime in all of Mandatory Palestine inclusive of the structures that enable and reinforce its functioning; (2) remedying and reversing the impacts of Israel's colonial-apartheid laws, policies, and practices specifically through providing reparations that fulfill the Palestinian people's rights; (3) and developing a new rights-based political structure in Mandatory Palestine that guarantees human rights for all, ensures stability, welfare, and development, and integrates mechanisms for reconciliation and justice.

Decolonization as such is brought about by anticolonial resistance and through the realization of all means necessary as guaranteed and

safeguarded under international law per the right to resist.⁷⁰ It further entails international mobilization, not only on the front of international civil society, but also by means of state and governmental interventions.

3.1. Framework's Legal Foundations

This framework finds its legal foundations in customary international law, *jus cogens* norms, and best practices of states, concomitantly with international human rights law (particularly international refugee law), humanitarian law, and criminal law. The proposed framework inevitably includes the laws of state responsibility, where states are under an obligation not to commit an internationally wrongful act.⁷¹ Upon the commission of such an act, international responsibility is triggered, and the state concerned is thereby under an obligation to cease the act if it is ongoing, make full reparations for the injuries caused, and offer assurances of non-repetition.⁷² The obligation to provide reparations for the wrongs committed is a basic rule of international law. In the *Chorzów Factory* case, the Permanent Court of International Justice stated that “it is a principle of international law, and even a general conception of the law, that any breach of an engagement involves an obligation to make reparation.”⁷³ The wrongdoer state should wipe out, as far as possible, “all the consequences of the illegal act,” and re-establish “the situation which would, in all probability, have existed if

70 3070 (XXVIII). Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights (30 November 1973) UNGA Res A/RES/3070(XXVIII) <<https://digitallibrary.un.org/record/191219?ln=en>> accessed 5 April 2023.

71 International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries* (November 2001) Supplement No. 10 (A/56/10), chp.IV.E.1 [hereinafter ILC, Draft Articles on State Responsibility] <http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf> accessed 5 April 2023.

72 *Ibid*, art 28-31.

73 *Factory At Chorzów (Germany v Poland), Merits Judgment*, (13 September 1928) 1928 PCIJ Series A No 17, para. 102 <http://www.icj-cij.org/files/permanent-court-of-international-justice/scie_A/A_09/28_Usine_de_Chorzow_Competence_Arret.pdf> accessed 5 April 2023.

that act had not been committed.”⁷⁴ In other words, it is obliged to restore the *status quo ante* the commission of the international wrong.⁷⁵

Based on this legal framework, Israel is obliged to (1) end all of its colonial-apartheid laws, policies and practices, (2) provide reparations for all injuries caused in the form of return, restitution, compensation, and satisfaction,⁷⁶ and (3) provide assurances of non-repetition.

However, since Israel continues to refuse to meet its obligations under international law (which is primarily based on the regime’s inherent nature of racial elimination and domination), third-party states have a responsibility to intervene. Pursuant to the Draft Articles on State Responsibility for Internationally Wrongful Acts, serious breaches of peremptory norms, which include both colonization and apartheid, prompt the liability of third states in two ways: a positive duty to “cooperate to bring to an end through lawful means any breach,” and a negative duty not to “recognize as lawful a situation created by a serious breach [...] nor render aid or assistance in maintaining that situation.”⁷⁷

3.2. A Contextualized Application of Legal Principles of State Responsibility in Decolonizing Palestine

To elaborate on how the legal principles of ceasing the act, reparations, and non-repetition have engendered the following framework for decolonization

74 ILC, Draft Articles on State Responsibility (n 71), 91-94.

75 This is a principle that recognizes the obligation of reparation vis-à-vis states and, as IHRL and IHL have developed, particularly with regards to peremptory norms, so too has the understanding and acceptance through customary international law that obligations with respect to reparations apply also to the benefit of individuals wronged by breaches of international legal principles. This evolution in state practice is reflected in the Draft Articles on State Responsibility and in the findings of the International Court of Justice (ICJ) in its Advisory Opinion on the Apartheid Wall: *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (ICJ Advisory Opinion) 2004 <<https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>> accessed 5 April 2023.

76 ILC, Draft Articles on State Responsibility (n 71), art 34-38.

77 *Ibid*, art 41(2).

in Palestine, it is imperative to recall the very nature of the Israeli colonial-apartheid regime. Firstly, the application of the obligation to cease the act(s) necessarily entails the dismantling of the Israeli regime and all of its structures. This is because it is unimaginable that Israel, as the statist materialization of Zionism's self-segregation, supremacy, and domination,⁷⁸ can continue to exist as is and cease its colonial-apartheid policies and practices. Secondly, reparations demand remedying and reversing the impacts of Israel's policies as it is only through both that Palestinian inalienable and fundamental rights will be fulfilled. Finally, the third tier, that of non-repetition, can only be genuinely applied if a new structure based on equality for all and reconciliation is created; only then will those acts not be repeated. These three tiers – ceasing the wrongful act(s), reparations, and non-repetition – are correlated, complementary, and work in-tandem. They also present all concerned parties with specific roles, obligations, and measures that must be taken at every stage of decolonization.

4. OVERVIEW OF PAPERS IN THE SERIES

The above-mentioned three tiers of decolonization must therefore be applied to multiple areas where decolonization is necessary, and which will be expanded upon in subsequent papers within this series. All of the papers in this series will consistently incorporate essential discussions of self-determination, transitional justice, and the role of the concerned actors, including the international community, in realizing comprehensive rights-based decolonization.

This introductory paper clarifies the fundamental processes embedded in the overall endeavor of the Israeli colonial-apartheid regime. It also elaborates on decolonization in international law and develops a suitable framework for Palestinian decolonization. Successive working papers delve deeper into analyzing current Israeli colonial-apartheid policies and

⁷⁸ See Sayegh (n 12).

practices and simultaneously providing a framework for decolonization based on dismantling the regime, remedying and reversing its impacts by fulfilling Palestinian inalienable rights, and developing a new rights-based political structure in Mandatory Palestine.

Working Paper 1: Return, Property Restitution, Compensation and Non-repetition

This paper will address the colonial-apartheid Israeli policies of denial of the right to return, past and ongoing forcible displacement and transfer, dispossession and relevant forms/measures of oppression and persecution. It will then counter these policies and practices by applying the three-tiered framework to the policies: dismantling existing laws and structures that perpetuate ongoing forcible displacement and transfer and facilitating return, reparations, and property restitution. Consequently, the paper will address practical strategies and measures to be implemented to ensure non-repetition, including creative solutions that reaffirm human rights to all while also guaranteeing security, stability, and development.

Working Paper 2: Political Decolonization

While this paper will explore the enforcement of the Palestinian people's right to self-determination, it will also simultaneously address the Israeli policies of political colonial domination and control as well as territorial fragmentation that the regime has employed to inhibit Palestinian national unity and to suppress legitimate resistance. It will then counter these policies by applying the three-tiered framework to the policies: dismantling the colonial-apartheid political system, guaranteeing reparations to all right-holders, and establishing a Palestinian rights-based political structure capable of achieving independence and national unity. Importantly, it will also address the incorporation of elements of reconciliation and rule of law, as per the frameworks of transitional justice.

Working Paper 3: Socio-Economic Decolonization

This paper will address the colonial-apartheid Israeli policies of economic and social discrimination and repression and their impediments to socio-economic development, such as the permit regime, the denial of the right to freedom of movement and natural resources, and the imposition of neoliberal economic policies on Palestinians. It will then counter these policies by applying the three-tiered framework to the policies: dismantling the existing system, establishing reparations and affirmative action, and creating an alternative system that focuses on ensuring stability, diversity and non-discrimination creating new foundations and mechanisms for whole development for all. The paper will outline the necessary pathway to create common values, economic prosperity, and whole and inclusive development.

Working Paper 4: Cultural Decolonization

This paper will address the colonial-apartheid Israeli policies of the colonial education system, ethnocide and memocide, greenwashing/ ecological colonization, and ideological discriminatory values. It will then counter these policies by applying the three-tiered framework. The existing laws and systems imposed by the Israeli colonial-apartheid regime must be dismantled, along with the racist Zionist ideology. Then, the future state must develop the cultural and educational systems to defeat the entrenched psychology of the colonizer, and to establish ways to preserve Palestinian collective memory and history. The new political structure must focus the emerging culture around the core values of human rights, rule of law, democracy and pluralism, and must center its policies and leadership on equality and non-discrimination to account for the diverse communities and groups, beliefs and religions, and languages and origins that will exist under one Palestinian citizenship.

5. CONCLUSION AND RECOMMENDATIONS

The above has elaborated on the relationship between colonization, apartheid, and forcible transfer – the three pillars that are integral to the Israeli regime’s survival. In recognizing that Israel is a colonial-apartheid regime, the response needs to be rights-based decolonization. This is because colonialism and apartheid simply cannot end with the withdrawal of a colonial power, relining borders of territories, redistribution of the authorities, or the shifting of territory so long as this colonial power continues to deny the people it has colonized their right to self-determination. As such, a three-tiered rights-based decolonization framework was developed above to guide the upcoming working papers in the series, and it refers to: (1) dismantling the Israeli colonial-apartheid regime in all of Mandatory Palestine inclusive of the structures that enable and reinforce its functioning; (2) remedying and reversing the impacts of Israel’s colonial-apartheid laws, policies, and practices specifically through fulfilling the Palestinian people’s rights to self-determination and return; (3) and developing a new rights-based political structure in Mandatory Palestine that guarantees human rights for all and integrates mechanisms for reconciliation, stability, development and justice.

In view of the above, BADIL calls on third state parties to:

- **Recognize the colonization and apartheid frameworks** as appropriate legal structures for analyzing the nature of the Israeli regime in Mandatory Palestine and take practical measures for the dismantlement of this regime and its structures that are the origin of the fragmentation of Mandatory Palestine, the denial of the Palestinian right to self-determination, and the deprivation of Palestinian refugees and internally displaced persons from their right of return; in essence, advocate for the decolonization of Palestine;

- **Fulfill their duties under international law** to cooperate to bring to an end through lawful means Israeli colonization and apartheid, not recognize as lawful any situation created by the Israeli colonial-apartheid regime, and cease aid or assistance to the regime until it has ceased its unlawful acts against the Palestinian people.



This Introduction Paper is the first of a five-paper series on Decolonization: The Case of Palestine. While this paper will establish the intended framework for decolonization, the subsequent papers in the series will constitute an in-depth exploration of the required actions, processes and means for achieving complete decolonization in Mandatory Palestine.

The series aims to provide a comprehensive rights-based decolonization approach that addresses the fundamental and inalienable political, economic, social, and cultural rights of the Palestinian people in a decolonized Palestine.



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