THE QUESTION OF PALESTINE

Overcoming Israeli exceptionalism and the two-state solution rhetoric by adopting a decolonial approach

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This article defends a shift in the narrative on Palestine as a prerequisite for a rights-based decolonial approach to enable the application of an ethical law. It argues that it is absurd to continue to address the question of Palestine within the two-states solution rhetoric, a framing imposed by countries that have historical and economic interests in maintaining the status quo of colonialism and the fragmentation, dispossession and displacement of the Palestinian people.

Kaywords
Ongoing Nakba, Apartheid, Decolonization

While the human rights system fails to put an end to a televised genocide, the Palestinian people continue to resist colonialism and apartheid. As the genocide against the Palestinian people passes the two-year mark, Israel is escalating the use of starvation[1] of a civilian population as a method of warfare, creating parallel mechanisms to weaponise[2] aid delivery,[3] including the establishment of the Gaza Humanitarian Foundation (GHF),[4] and enforcing an all-out elimination campaign against the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The United States (US) Trump administration continues to call for the ethnic cleansing of Palestinians in Gaza,[5] and the world continues to support Israel's 77 years of ongoing Nakba of displacement and expropriation.[6] When it comes to international law, decades have cemented Israeli exceptionalism. International law does not implement itself, and its limits become clear when it contradicts states' interests. Like religion, international law is made up of texts that are open to interpretation, which is influenced by the specific socio-political context. It would therefore be absurd to continue to address the question of Palestine within the framing imposed by countries that have historical and economic interests in maintaining the status quo. While recognizing that the West perceives its interests to be intrinsically linked to the protection of Israel, it is important to try to understand how we reached a situation where the Palestinian people is dehumanized to the extent that the world watches a genocide, as states continue supporting Israel militarily, financially and politically. This article affirms that a shift in the narrative on Palestine is a prerequisite for a rights-based decolonial approach to enable the application of ethical law.

1. Imposing a two-state solution rhetoric instead of effective measures to put an end to crimes against humanity

What is especially baffling is how states that are violating the most fundamental norms of international law have the audacity to continue to speak of their "principled" support of a two-state solution, when they have not implemented a single effective measure of international law to allow for a political solution. In other contexts, however, these same states defend the use of sanctions and other economic, military and political measures to apply pressure for a political solution and make a state comply with international law. There are several examples which expose the double standards of the international community and especially Western countries in this context. When the Russian government invaded and annexed additional Ukrainian territory, Western countries imposed unprecedented sanctions on all levels against Russia and supported Ukraine politically and militarily, sending aid and arms for it to resist the aggression. In sharp contrast, several Western countries have suspended aid to the UNRWA[7] to support Israel's long-term strategy to put an end to the question of Palestinian refugees, which are considered a demographic problem. Similarly, all forms of Palestinian resistance have been criminalized and depicted as terrorism by the West. The recognition that people have the right to "struggle by all means at their disposal, including armed struggle" against colonialism was reiterated in several United Nations General Assembly (UNGA) resolutions, including ones on Palestine.[8]

Seventy-seven years on, Western countries have continued to support Israel's colonialism and transfer of Palestinians while UN courts[9],[10] and experts[11] have consistently called for action to put an end to pervasive impunity. These countries have sustained a narrative that equates the colonizer with the colonized and claims that the situation is "too complicated",

when in reality, the continuation of Israeli crimes is wholly dependent on their actions and inaction, making it a very easy case of application of international law, with the caveat of political will. The previous United Nations (UN) special rapporteur summarized the role of Western states in the maintenance of Israel's colonial regime by stating that:

> Israel, a relatively small country in terms of geography and population and with a particular dependence on the international community for both trade and investment and diplomatic cooperation, could not have sustained such a prolonged and repressive occupation in clear violation of international law without the active support and malign neglect of many in the industrialized world.[12]

Imposing sanctions on Israel would immediately lead to the end of the crimes being committed against the Palestinian people. However, the level of Western complicity in war crimes and crimes against humanity has only grown with the Israeli genocide. Since the beginning of the war on Gaza, and consistently since, UN special procedures have raised the alarm and reminded all states of their obligations, decrying the complicity of the states that continue to provide military, economic and political support to Israel, attack independent courts and experts and defund humanitarian aid to shield Israel from accountability.

Prompted by South Africa, the top UN court put out provisional measures stating that "Israel's actions in Gaza are plausibly genocidal". While these proceedings were based on a similar legal case brought by The Gambia against Myanmar, Western States supported the outcomes only in this case and have not taken any actions in relation to Palestine. There are many parallels between Palestine and Myanmar which expose the double standards of the international community. In its statements on

Myanmar, the European Union (EU) continues to stress that:

> the EU is a longstanding proponent of an arms embargo. Increased international preventive action is urgently needed. The EU calls on all parties to stop exporting or facilitating weapons for the Myanmar military, as well as "dual-use" items when there are reasonable grounds to suspect that such goods, technologies or weapons might be used to violate or abuse human rights.[13]

However on Palestine, even after the International Court of Justice (ICJ) found it plausible that Israel's acts amount to genocide, the US and EU member states, including Germany, Italy, France and the Netherlands continued to provide military aid to Israel in defiance of international law and calls by UN experts, including special procedures, who urged states to impose an arms embargo on Israel.[14] Comprehensive sanctions and a two-way arms embargo are the prerequisite for a political solution.

2. Colonialism and Christian Zionism: intersecting narratives and interests

The normalisation of the reality of Israel being above international law cannot be understood without addressing the historical and economic root causes of the creation of the State of Israel as a settler colony in Palestine.[15] The roots of Zionist colonialism in Palestine surprisingly predate Zionism itself. In the context of 19th-century European colonial powers' struggle for influence over colonies and access to markets throughout the world, the French and the British developed racist plans to support sending people of Jewish faith to Palestine with the underlying objective of creating a docile government in the country.[16] These ideologies intersected with evangelical Christian "heresies"[17] that de-

veloped around the beginning of the 19th century by choosing certain passages of the Bible to predict the second coming of Christ and the end of the world. These forces, in turn, lobbied politicians and supported the nascent Zionist movement. Christian Zionism then expanded to the US, becoming a very popular movement with influence over American politics in the second half of the 20th century.[18] Christian Zionism saw two events constituting foundational crimes committed against the Palestinian people (the 1948 Nakba and the 1967 Naksa) as the fulfilment of Biblical prophecies. This historical glance is not disconnected from today's reality. The dogmatic idea in the Bible that God gave the land to people of Jewish faith or that all people of Jewish faith should be "returned" to Palestine to pave the way for the second coming of Christ has become deeply rooted in the Western psyche.

Today, those movements continue to spread their ideas by expanding their missionary branches throughout the Global South. They have entrenched in their community—and lobbied for political backing for—unconditional ideological support for Israel based on an interpretation of a religious text that is not only problematic according to theologians,[19] but also the basis for the commission of crimes against the Palestinian people. When faced with religious fundamentalism, argumentation based on law and logical reasoning are unfortunately seldom useful to counter fallacies. While there is strong condemnation of non-Christian fundamentalist and extremist ideologies, evangelical Christian ideologies that deny Palestinians their existence and right to self-determination as a people are not only supported but also exported in the name of religion. In reality, the use of religion is a very effective tool of political domination and oppression, including by the Zionist movement, which has deployed the Old Testament as a tool of settler colonialism.

Moreover, for decades, mainstream media has portrayed the situation as one of a "conflict" between equal parties, distorting it as a religious

one. This approach has attempted to erase the root causes of the situation, which remains one of a people struggling against settler colonialism to achieve self-determination. The media has also continued "to present biased accounts, exclude Palestinian voices and stories, and perpetuate narratives and reporting practices that dehumanize the Palestinian people and undermine their suffering while decontextualizing events".[20] Social media has allowed Palestinians to voice a different narrative but their virtual space has been rapidly suppressed. In a joint statement, organizations working on rights in the digital sphere analyze the situation as follows:

> Globally, Palestinian voices and those who support their cause have been muffled and silenced through a wide campaign of digital repression, including disinformation, censorship, online harassment, doxxing, and shadowbanning. [...] Social media companies have so far failed to address the alarming levels of disinformation and misinformation on their platforms, which are contributing to offline violence, dehumanization, and justifying attacks against civilians. Paired with inequitable, biased over-enforcement of content moderation policies, this is resulting in the silencing and deplatforming of Palestinians.[21]

In parallel to the unchallenged spread of racist fundamentalist ideologies, authorities around the world, especially in the West, have led a campaign to silence Palestinians and their supporters mobilizing against the genocide[22] in the context of 77 years of ongoing Nakba. This is not a new trend. It is a policy that has been enforced for decades to shield Israel from accountability and maintain a narrative that dehumanizes Palestinians. This occurs in the context of rising normalized racism and islamophobia, where Palestinians are depicted as "uncivilized" and "terrorists". One of the most prominent tools used to silence Palestinian advocacy against

Israeli crimes is, again, religious: criticism of Israel and antisemitism is intentionally conflated by using the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism.[23] This has been entrenched in policies and laws in many countries around the world and is leading to a crackdown on fundamental freedoms. "Make no mistake: Legislating the IHRA definition is not about Jewish safety. The only thing it secures is impunity for decades of violating international law and trampling on Palestinian human rights", said Stefanie Fox, executive director of the Jewish Voice for Peace,[24] the largest and most influential anti-Zionist Jewish group in the United States.

3. The resurgence of a Palestinian decolonial narrative and the solidification of the campaign against Israel's colonial apartheid

While Israel and its allies have tried to silence Palestinians and their supporters, they have failed to block the reemergence of a paradigm recognizing the situation imposed on the Palestinian people as one of colonial apartheid. A Palestinian unity narrative was solidified on the global scene around the 2021 uprising against the dispossession and displacement of Palestinians from Sheikh Jarrah in Jerusalem. The images of demonstrations throughout Palestine and abroad against the dispossession and displacement, set within the context of over seven decades of ongoing Nakba, reshaped a post-Oslo Accords narrative. In their mobilizations against the apartheid regime established by the fragmentation of the Palestinian people and policies of racial domination and oppression, maintained through the suppression of resistance, Palestinians and their allies refocused the struggle around the root causes of the situation. At the international level, UN experts and Global South countries have played a pivotal role in supporting the Palestinian narrative, recognizing the situation as one of colonial apartheid impo-

sed on the Palestinian people. South Africa and Namibia were among the first countries to support this shift in narrative and allowed several countries from Asia and Latin America to join a growing consensus.

One of the major challenges when addressing the question of Palestine is, therefore, one of narrative and interests, as opposed to one of international law. The international community has supported a narrative that obfuscates the origins of the crimes by continuing to start the discussion in 1967. Due to lack of political will, legal bodies and experts have also moved away from investigating the root causes, including Zionism as a racist ideology supported by Western colonialism to maintain influence in the region, as well as the illegality of the UN partition of Palestine of 1947 and the responsibility of the British mandate.

In 2021, the UN Human Rights Council established for the first time a commission of inquiry with the mandate to address violations in historic Palestine as well as the root causes of the situation. This shift from the 1967 fragmentation paradigm, imposed by Israel, to a recognition that Israel's colonial apartheid policies are the same on both sides of the Green Line[25] and that they follow the same institutionalized policies and practices of racial domination and oppression over the Palestinian people as a whole is a significant step in a decolonial approach.

The role of civil society around the world and states from the Global South has been instrumental in ensuring that the root causes of the situation are at the centre of the discussion on accountability and stressing that there is no justice without a decolonial approach leading to the dismantling of apartheid. This is a necessary first step in reshaping the decolonial future of the Palestinian people. The massive online and offline mobilizations throughout the world on the basis of decolonization, which reignited around the Unity Intifada of 2021[26] and continued following Israel's genocide, clearly illustrate this shift. As such, state plans to re-

cognize the State of Palestine on the basis of the 1967 borders and Oslo Accords is not only a rhetorical statement; it is also not learning from history and over 30 years of silence and complicity of the international community, which is culminating in a televised genocide perpetrated by Israeli politicians who believe they are protected and beyond the reach of international accountability.

Conclusion

The Global South and countries that fought for self-determination have recognized their shared history of struggle against colonialism and interconnected racial discrimination and moral and legal duty to continue supporting the Palestinian people. Today, the way to do so is by ensuring that they put an end to the two-state rhetoric and replace it with a grassroot Palestinian unity narrative, while taking effective measures to promote decolonization. Recognizing and ending Israel's commission of the crime of apartheid against the Palestinian people as a tool of its colonialism is the first step towards achieving justice and reparations for the Palestinian people. The right of return of Palestinian refugees remains the prerequisite for the realization of the right of the Palestinian people to self-determination.[27] Actions, not words, are required today more than ever to put an end to decades of atrocities committed by Israel against the Palestinian people. It is a test for humanity but also a question of decolonizing and adapting the rights-based system, including the UN system[28] and its Security Council.

Notas

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