

# **Chapter 12: Palestinian/ Israeli Conflict: Apartheid and the One State<sup>1</sup>**

**Johnathan Kuttab**

## **Abstract**

The presentation explains a proposal for a one state solution to the Palestine-Israel conflict. The main points focus on the fact that a functional one state solution will have to deal with the fears and experiences of both Israelis and Palestinians. Israelis his of their experiences of exploitation and oppression in their history, with Jewish persecution and anti-Semitism, because of their history through the Holocaust. And Palestinians, because they do not have access to their land and governance of themselves, in their historical national land. Jews in Palestine are very sensitive about security matters. So, the proposal of a one state solution has to take security and governance concerns into consideration, e.g. through a properly functioning democratic state, with a constitutional court. So the suggestion is too, that the head of the military be Jewish and the deputy Palestinian. And that the head of police be a Palestinian and the deputy, Jewish.

**Keywords:** Two state solution, one state solution, constitutional court, military, police, values of justice, equality, human rights, to live with dignity and humanity

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<sup>1</sup> This is an editable computer-generated FOSNA Staff Transcript (2023-06-13 12:00 GMT-7).

## *Johnathan Kuttab*

Greetings to everyone who is assembled here. I am very sorry that I am not able to attend in person, since, as it is clear from the topic of my presentation, South Africa has always been very important. To Palestinians generally. And especially to those who are involved in the fight for freedom, justice and peace.

South Africa offers one important example, of how the world can come together and how international solidarity can assist people to live together, in the fight for justice and freedom. I do not need to tell you that we live in a very interrelated world. And what happens in one part of the world affects what happens in other parts. No country is an island by itself. However big however, or powerful that country may be, even if it pretends not to care what the rest of the world thinks. In reality, we are all interconnected. And tactics, nonviolent tactics like boycotts, divestments and sanctions are in fact, very effective tools for achieving justice.

Palestinians today. find themselves very much in need of this international solidarity. And we have the advantage not only of the experience of others including South Africa. But also that international law has developed to the point where it recognizes apartheid to be an international crime against humanity, and a criminal activity for which there is universal jurisdiction. So leaders, politicians, people, torturers, those who are involved in human rights violations, that amount to the level of apartheid, can in fact be tried in different countries and also come under the jurisdiction of the International Criminal Court.

This is particularly important because now there is greater recognition. that the activities of Israel towards the Palestinians do fulfil the conditions, the elements that amount to apartheid.

But I must put this in an even broader context.

Since 1967, when Israel captured the rest of historical Palestine, there has been a recognition that there could be a solution along the lines of a two-state outcome, where Israel would return the territories it captured in 1967, and that there would be a Palestinian state in the West Bank, Gaza and Jerusalem, side by side of Israel. But that possibility of trading land for peace, of having a two-state solution, even though it was accepted by the Palestinians, by the Arab and Muslim world, and by the international community, this possibility was systematically undermined by Israeli activities for settlement in the occupied territories, as well as creeping annexation of these territories into the state of Israel. So that the reality that has come about today, after more than half a century of occupation, is that the two states solution is no longer a possibility.

This is now recognized by all those who are following this question, that with 800,000 Jewish settlers living in the occupied territories, with a detailed developed administrative system. This is an Illegal system, a structural system of housing and roads; an administrative system of police, of courts, of laws, of education, of health, and services in the occupied territories and which is separate from the system that governs the Palestinian Arabs under occupation. There is now a recognition that a two-state solution is no longer possible. There is also a recognition that the state of Israel can no longer deny the fact that it was created on a basis that is discriminatory which openly privileges and provides for the domination, the power, the control that is sought and obtained on behalf of Jews throughout historic Palestine, not just in the occupied territories. The system is so deeply ingrained, in the structures of the state that the entire state today, is an apartheid state.

It is not just the question of apartheid being practiced in the occupied territories between the settlers, living under Israeli law and the Palestinians living under military law and administration. It is now the entire area of historic Palestine which contains basically, two populations – a Jewish population that has all the power, and who can live wherever they want. And enjoy their privileged superior status of domination, and a non-Jewish population, who is the original indigenous Arab Palestinian population who do not enjoy power, who do not enjoy equality, who do not enjoy the same access to resources, who cannot develop and obtain licenses to build, who cannot create new towns and structures, who cannot participate in the life of the community, because they are being subjugated, controlled and dominated by Zionist forces on behalf of Jews.

Now, this is the reality, even though the Arabs, the Palestinian Arabs, under this system are segregated to the point where they live under a different regime. Those who live in Gaza for example, are under siege in an open air prison. Those who live in the West Bank are fragmented into area, A, B, and C, and they are basically under military control. Those who live in East Jerusalem, have a separate unique status where there are residents of Israel, but not citizens of Israel. And those who are citizens of Israel, those who are living mostly in the Galilee and in the Negev, and in what is called, ‘Israel proper’, live as second class citizens with their rights are severely controlled. The discrimination against them is more and more blatantly written into the laws and the structures of the state. That being the case, you have these two populations, a Jewish population of roughly 7 million people, and an Arab non-Jewish population, again of roughly 7 million people living together. In what is really only one state and that state controls all the borders, controls every entry of people and

goods in and out of the territories, controls the economy, controls the finances, the currency, the population registry, which is very important because without being recorded in the registry, you are not allowed to even live in the country. Their Knesset, their parliament sets the laws, and the rules that govern the entire territory. Their army rules the entire territory and while it delegates, some of that internal municipal authority to the Palestinian Authority, it does so under its control

That being the case, and given that this is an apartheid system, the question arises then what is the answer? What is the solution? How can we move beyond this existing unjust and oppressive situation?

There are different solutions that have been proposed. And as I mentioned, the idea of a two-state solution, which was very prevalent and which obtained a lot of recognition and a lot of legitimacy under international law, has been thoroughly undermined and made no longer tangible and workable. In my humble opinion.

While there may be different formulas, the only formula that can work is a one state formula, because that is the reality. The reality is there is only one state. The only issue then is how is that state to be administered and the state be truly democratic and address the needs and interests of both communities. Can it be democratic and still allow for the aspirations of the Jewish people, as well as of the Palestinian people. Can one state, in other words, accommodate Palestinian nationalism, and Jewish Zionism?

In my humble opinion, that is possible. That is possible if we are willing to share the land on the basis of equality, and if we are willing to put in place structures and guarantees that ensure full rights to both communities regardless of the demographic balance between them.

Some people have the wrong idea about demography and democracy. They think that democracy simply means having elections, one person, one vote, and that is how you elect your government and then the government can do whatever it wants.

That is a dangerous definition because it allows 51% of the population to control, dominate, discriminate against, and deprive the minorities of their rights. I think the example of South Africa is important because it shows that democracy, one person, one vote, does not mean the negation of the rights in this case of the white minority, as long as there is a strong constitution. As long as there are institutional guarantees that allow the individual as well as the minority to exercise its identity, its culture, its language, its traditions and its history in a way that does not negate that of other people. Then it is possible to

have a democratic country, a pluralistic country that is non-racialist and that is non-discriminatory.

This may sound a little bit utopian. But in reality, it is possible. And there are communities, and countries where in fact a number of ethnicities, and races and colors and religions, do coexist in peace and harmony with one another. It is not a given that the majority needs to control and dominate the minority. It is not a given that only if you are the dominant party can you exercise your identity and your religion in peace and insecurity. Now, I recognize that there may be particular needs for one community, that are different from the needs of other communities.

I wrote a book *Beyond the Two State Solution* (2021), envisioning such a vision. In that book, I recognized for example, that because of their history, with Jewish persecution and anti-Semitism, because of their history through the Holocaust, Jews in Palestine are very sensitive about security matters. So, I proposed that we can address that security need in two ways.

The first is, to create a structure by which the Defense Ministry, the head of the Army, the Navy, Air Force and nuclear agency will always be a Jewish person, with an Arab deputy, while all other positions in the army will be on the basis of merit and equality. However, I also recognize that the head of the police and internal security needs to be always a Palestinian Arab, with a Jewish deputy, because Palestinians have suffered from discrimination, by the Israeli police, by the Border Patrol, by the Secret Service authorities. So their history is about continued oppression by the Israeli police.

Whereas, the history of the Jews is fear of external threats to their existence, and I try to accommodate both needs, I also believe there needs to be a constitutional court, with at least two Arab and two Jewish justices, out of five, and with decisions that have to be taken by a 4/5 majority. This will ensure that regardless of who is in the numeric majority at any one point, whoever gets elected with 51% of the vote, can govern, but they govern under the Constitution. They will not be allowed to derogate the rights of the minority, or diverge from the rights of the individual. Law then. The Rule of Law, and an independent judiciary, and a transparent governmental structure, as well as periodic elections.

All these elements and the free press, I should add, are part of what constitutes a democracy. Democracy is not dictatorship by 51%. Democracy has to provide the ability for every individual and for every minority to survive, flourish and thrive, because we are not doomed to live as tribal individuals, who only operate within their tribe, but in a genuinely pluralistic society. You can

have elections where some whites will vote for blacks, and some Jews will vote for Muslims or Christians and some Christians would prefer a liberal Jewish woman to an Arab, conservative men, and so forth. It is all possible in a genuinely pluralistic society. And this does not require what is called trust.

Everybody says you need a lot of trust for this system to operate. No, it does not require trust. It requires institutions, it requires guaranteed structures, that ensure that at least in the public sphere, at least when it comes to public resources, that there is genuine equality and there is genuine access to resources, and there is a genuine prohibition on discrimination and bias, so that any individual, regardless of their identity, their ethnicity, their religion, their gender they can still exercise their rights as citizens. There needs to also be structures for family law that are both civil and religious, so that people can follow their religious tradition if they choose. But if they do not, they can follow civil marriage, civil divorce, and civil, personal status matters. That should be an individual choice, and not forced on them by the particular religious, or ethnic community, in which they were born. This is one of the problems that many people have in Palestine/ Israel today, where they are caught in a legal system that forces them to follow the religious courts of their particular religion. And some of them are not recognized by the local laws and therefore they are in a very difficult situation.

Now, we can discuss and argue about all these details. What I want to say, that is not open for discussion or argument is the principle of equality, the Principle of Justice, the principle of creating structures, that serve the people, rather than forcing people to serve ideologies, which are racist and which are racialist and, which are discriminatory.

Communities may have, as I said, a difficult history, that they need to overcome, or that they need to cope with. And we have to be sensitive to where people are and where they came from. But in the end, we need to create structures that are just. We need to create structures that recognize their humanity. In fact, that there is something divine in each of us that needs to be respected. That is the idea behind international law, that there is something sacred. There is something of God in each of us, that structures and states and organizations and governments and government officials are required to accept and are required to recognize and are required to protect.

Palestinians have a long way to go to achieve such a just society. And we cannot do it alone. We need both our Jewish brothers and sisters to also be willing, to join us in the fight for justice. And we also need the international community in solidarity, to join in the same fight. And it is important for us to

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send the message somehow, that by calling for such a just solution, we are not trying to destroy the Jewish people in Israel today. We are trying to destroy the system of Jewish domination, the system of Jewish supremacy, the system of control by one group over others.

Just like in South Africa, it was very important for the ANC to ensure that people know that this was not blacks fighting against whites. But it was black and white, some whites, maybe not many, fighting together against apartheid, fighting against a system of White supremacy. And that needs to be the message that we bring out of this conference as well. That we believe in justice. We believe in a just society, we want for Palestinians what we want for the Jewish Israelis. We seek for ourselves, no more than we are willing to concede to the others. This is not the fight for one group to destroy the other, or to overcome the other. This is the fight for both groups. To overcome an unjust system, and to work for a truly democratic, liberal, open, pluralistic society in all of Palestine for both Jews and Arabs. And on an equal basis.

If you have the chance, and if you care to read more details about my own vision for such a society, you can download my book for free, from the website of *Non-violence International*. Their website is,

[www.Nonviolenceinternational.net](http://www.Nonviolenceinternational.net); or:

[https://www.nonviolenceinternational.net/b2ss\\_book](https://www.nonviolenceinternational.net/b2ss_book)

You can download the book or you can order it through Amazon, to get some more details. But the important thing is not my ideas. The important thing is that whatever idea is being offered, whoever suggests that we need to support their idea or their ideology, or their solution, have to be subjected to the same criteria: Is this just? Does this provide for equality? Does this provide for human rights and human dignity? Is this a society that allows all people, Jewish Israelis as well as Palestinian Arabs to live with dignity and humanity? This is what I believe in. And this is what I think, Palestinians want and need.

A state that does not provide these things to the Palestinians, is not a solution, and is not worth fighting for, just like in South Africa. There were some solutions that were proposed .... What about Bantustans? What about giving you self-determination and giving you your own passport and your own flag and your own tribal homelands called states? But it does not provide them with justice. It does not provide them with equality. It does not provide them with what they need in human dignity. So, the Bantustans were rejected by the

*Johnathan Kuttab*

South Africans and by the international community. Whatever solution is being proposed, has to be a just solution that provides for genuine equality and democracy and human rights.

Thank you very much.

God bless you.

Jonathan Kuttab

## References

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Jonathan Kuttab  
International Human Rights Attorney  
Practicing Law in the US, Palestine and Isreal