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Human Rights and the Imbalance of Power: The Palestinian-Israeli Conflict

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Michelle Parlevliet's article *Rethinking Conflict Transformation from a Human Rights Perspective* offers a refreshing and new approach, linking the direct, structural and cultural types of violence and human rights violations and highlighting the implications for conflict transformation practitioners. This response and commentary will engage with the article by focusing on the relevance of some of its aspects for the Palestinian-Israeli conflict.

In 2008, the Israeli-Palestinian conflict entered its 60th year, as the state of Israel celebrated its 60th anniversary while Palestinians marked 60 years of displacement and dispossession. Systemic structural inequalities are at the roots of this conflict and are the causes of injustice and oppression. These structural conditions were partly inherited from the colonial era and partly modified or created by Israel over the years.¹ They have been used to maintain the control and power in the hand of one ethnic group: the Jewish majority in Israel. It is important to analyse the roots of current power inequalities and their manifestations in the daily life of the Palestinians (the symptoms), but also to explain how structures, systems, sub-systems, laws and regulations have been put in place that organise and determine how rights have been manipulated and violated to ensure privileges to the Jewish group in control. Parlevliet argues that such policies will result in "exclusion and marginalisation" and "provide fertile ground for the outbreak of violence" (in this volume, 19) which can explain some aspects of the high level of inter-party violence.

In the following, I will examine the situation of the Palestinians in the West Bank and Gaza Strip, and Palestinians inside Israel, analysing the functioning of the Israeli state and society in order to understand the logic of inequalities that have been institutionalised through the different systems

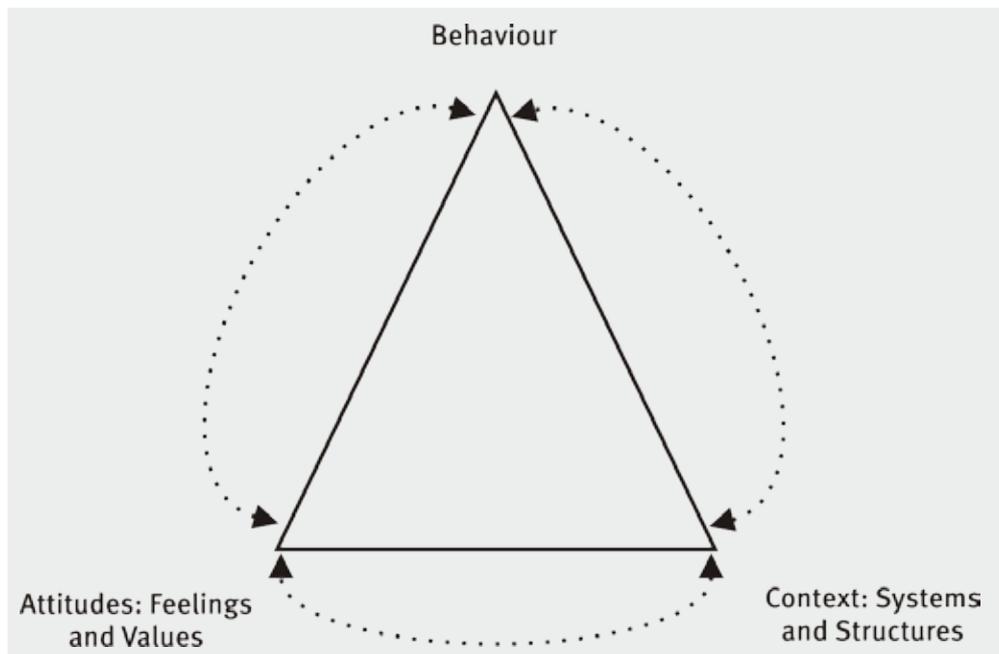
¹ For instance, the Emergency Military Law Regulations (1945), which were inherited from the British Mandate period and upgraded by Israel, are part of the state system and structure that has been used for many years in Israel and the occupied Palestinian territories in order to place restrictions on the liberties of the civil population and political activists.

and sub-systems. In a second step, I will highlight some lessons learned in human rights and conflict transformation work in the region, reflecting specifically on the roles of the state and civil society.

1. Structures of Power and Control

Although the iceberg model introduced by Parlevliet provides a good analytical tool to describe the relations between human rights violations as symptoms or causes of violent conflict, I believe that the ABC triangle, also known as the violence triangle and originally designed by Johan Galtung (1990), is more apt to illustrate the important circular influences and dynamics between the three main dimensions of rights-based conflicts (see also Fisher et al. 2000): Attitudes (A) are the feelings and values that serve as a source of discrimination and justification of oppression; they represent the values and views about the other side which lie in our minds and hearts. The Behaviour (B) or symptoms are the manifestation of human rights violations, such as visible direct violence, oppression and intimidation. The Context (C) is represented by the structures and systems in the state and society that institutionalise inequality and control through law, regulations and policies which are used to practice discrimination, exclusion and oppression in regards to both civic and national collective rights. These might be laws maintaining inequality in terms of education, employment, health care, economic investments, allocation of resources, denial of national and civil rights and liberties, or laws promoting segregation and separation (Fisher et al. 2000, 9-10). The three aspects of the triangle (see *Figure 1*) are interconnected; they support and reinforce each other. The top of the triangle, as in the iceberg image, is the visible behaviour and symptom of violence, whereas the context and attitudes are the less visible causes of violence. While it is necessary to address visible violence by reducing or stopping it, it is equally critical to acknowledge and address the context and attitudes as root causes of the conflict.

Figure 1 – Beyond Causes and Symptoms: Circularity and Dynamism



Source: Building on Fisher et al. 2000, 9-10; Galtung 1990.

I will illustrate the interconnection between these different elements with examples from the Palestinian-Israeli conflict, based on the work I have been doing for the past few years as director of the Middle East programme at the UK-based NGO Responding to Conflict (RTC). My analysis is mainly based on the perspectives of the Palestinian participants and occasionally the views of the Israeli participants in our programme.

Box 1 – Responding to Conflict’s Work in Palestine and Israel

Responding to Conflict ran a programme called “Transforming the Discourse of Violence and Despair” in Palestine and Israel from 2003 to 2009. Its main objective was to strengthen the capacity of Palestinian and Israeli civil society organisations to prevent violence and to transform conflict peacefully and constructively. About 20 leading Palestinian NGOs from the West Bank and Gaza Strip took part in this programme. They represented a spectrum of organisations from the fields of development, conflict transformation, education, women’s empowerment, youth and human rights. In Israel, the participating NGOs were a mix of Palestinian, Jewish, and Jewish-Palestinian organisations representing a similar range of fields, in addition to NGOs focusing on Arab-Jewish relations inside Israel.

Members of these NGOs, which later became known as the Strategy Group (SG), met regularly but separately and conducted training in conflict transformation. The SG conducted some analysis of the political, social and economic aspects of the conflict, looking both internally and at the relationship with the other side. On the basis of this conflict analysis, a strategy plan for intervention has been developed to enable the members of the group in Israel and Palestine to address conflict peacefully and constructively in their communities.

For more information, see www.respond.org/pages/israel-palestine.html

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1.1 The West Bank and Gaza Strip

The ABC model will first be applied to the situation of the Palestinians in the occupied territories. I will retrace the point of view expressed by Palestinian NGOs in terms of the behaviour (symptoms), attitudes and context they identified in relation to the conflict with Israel, and support these views with other sources.

The *attitudes* of Israeli society towards the Palestinians and vice versa are based on a set of values and perceptions, such as feelings of fear, lack of respect, mistrust, dehumanisation and stereotypes against each other. Such values help to legitimise the violent behaviour or restrictions by the state and trigger calls for laws and regulations to legalise such actions against the Palestinian population, while from the Palestinian perspective they justify the recourse to violence against Israel. Parlevliet argues that such cultural factors may lead state agents to “not be highly concerned about the use of violence against individuals or groups deemed inferior, whether committed by [their] own forces or by non-state groups” (in this volume, 21).

With regards to *behaviour and symptoms*, the analysis conducted by the project participants highlighted the different levels of violation of individual and collective rights of the Palestinians in the occupied territories. Members of the Palestinian SG, especially the members from Gaza, presented examples of the daily direct violence against civilians and members of the political and military wings of Palestinian groups.² Since the outbreak of the second intifada in 2000 up

² This analysis took place before the war on Gaza at the end of 2008 and beginning of 2009, which caused further death and injury to civilians and destruction to the infrastructure of the Gaza Strip on a much bigger scale.

until the end of 2008, it has been reported that 5,900 Palestinians were killed in the West Bank and Gaza, including 400 children, and many more were injured.³ The 600 checkpoints and many more temporary roadblocks ('flying checkpoints') in the West Bank, and the border crossings in Gaza and the West Bank, have been highlighted as the main obstacles that cause restriction to the movement of Palestinian residents, effectively cutting off villages from the main towns. Palestinians are unable to go to hospitals for medical treatment, and face difficulties reaching their workplaces or undertaking the normal activity of shopping in the main towns and cities. Farmers cannot transport agricultural goods into the cities, causing severe economic impact. The "separation wall" constructed by Israel has resulted in the confiscation and destruction of Palestinian land, and prevented thousands of families from working on their land.

Many times, workshop participants were unable to attend or arrived hours late due to the long queues and delays caused by the Israeli army at the checkpoints, leading to feelings of frustration, anger and humiliation. Sometimes we organised meetings in Jordan or Egypt so that the West Bank and Gaza Strip groups could meet, but occasionally participants were unable to travel there either because they had been refused a permit to leave the West Bank by the Israeli authorities or as a result of the closure of the border crossing between the Gaza Strip and Egypt.

Members of the SG from Gaza also expressed their frustration and despair because of the blockade imposed by Israel on Gaza since 2006, which is directly felt in the daily life of residents, who lack food, petrol, medicine and medical equipment, and many other basic necessities. As a result of these sanctions, development and construction have been stopped, causing more unemployment, poverty and misery for the ordinary people (B'Tselem 2008).

As to the underlying *context* that gives rise to the violation of the civil and national rights of the Palestinians in the occupied territories, this subjugation is maintained by very sophisticated, complex systems and structures of law and policies. Israel institutes a dual legal system in the West Bank based on ethnicity; one for the Jewish settlers and another for the Palestinians who are subject to the military regime. Jewish settlers are considered part of the state of Israel, and as such, enjoy the same rights as the state's Jewish citizens, such as freedom of movement in the West Bank, political participation, housing and infrastructure, planning and building authority, livelihood and access to water and land. They are protected by the Israeli army. On the other hand, a different system has been imposed on the Palestinians to deny their civil and human rights. A prolonged system and structure of discrimination has led to severe economic deprivation, exhaustion, despair and denial of the national rights of the Palestinians. Leila Hajjar, writing about the dual legal structure in the occupied territories as a way of illustrating the violation of human rights for the Palestinian citizens, explains that: "while the conceptualization of the conflict as a problem of 'two peoples, one land' has some irrefutable merit, this conflict is more appropriately conceived as a *struggle over rights*, of which the right to land is but a part" (Hajjar 2005, 25).

Members of the SG also pointed to the violations of human rights under the Palestinian authority and policies of the Ministry of Interior. Palestinian and Israeli human rights organisations have documented the mistreatment of Hamas members and sympathisers by the Preventive Security Organisation, among others.⁴ The group had a particular interest in analysing the internal Palestinian social and judicial structures that maintain and sometimes encourage violence against women.

³ Palestinian Central Bureau of Statistics (PCBS) at www.pcbs.gov.ps (accessed 25 October 2009).

⁴ "CIA Working with Palestinian Security Agents", The Guardian, 17 December 2009; www.guardian.co.uk/world/2009/dec/17/cia-palestinian-security-agents/print (accessed 4 February 2010).

1.2 The Semi-Citizens of Israel

The ABC model can also be applied to the situation of the Palestinian citizens of Israel and the relationship between the Jewish majority and the Palestinian minority. The establishment of the state of Israel as a Jewish homeland in 1948 had a significant impact on the Palestinian people, and consequently a majority of 90% of the Palestinians became refugees and fled to the West Bank, Gaza Strip and the neighbouring Arab countries. About 120,000 Palestinians remained in their homes as a minority under Israeli state control, cut off from their own people and the rest of the Arab world. For about two decades after the formation of the state of Israel, the Palestinian minority was under Israeli military rule, facing severe restrictions and violations of their human rights. This increased their dependency on the state, and reinforced its control over them. The Palestinians in Israel witnessed the destruction of their economic infrastructure and the expulsion of their political and social elite (Darweish/Rigby 1995, 22). They have been described by Sami Mari as “emotionally wounded, socially rural, politically lost, economically poverty stricken and nationally hurt. They suddenly became a minority ruled by a powerful, sophisticated majority against whom they fought to retain their country and land” (Mari 1978, 18). Today there are over 1.5 million Palestinian citizens of the state of Israel; they comprise about 20% of its total population.

In terms of Israeli *attitudes* towards the Palestinian citizens, negative feelings exist both on official state level and among the general public. The belief that Israel should be a country that prioritises Jews over others is a view often heard in Israel. One example is the language used by right-wing members of the Israeli government such as Avigdor Liberman, who served as the Minister for Strategic Affairs under Prime Minister Ehud Olmert and is currently Foreign Minister in Binyamin Netanyahu’s government. According to the Christian Science Monitor, one week after being appointed to the Israeli cabinet, he called for “Israel to become ‘as much as possible’ an all-Jewish country without an Arab minority”.⁵

Support for politicians like Liberman, and the ethnocentric politics they advocate, can be explained partly by the level of racism found in Israeli society. The Centre Against Racism in Israel compiles an annual index of racism in Israeli society. Findings from the March 2007 index (reporting figures relating to 2006) highlighted that 49,9% of the Jewish population feels fear when hearing Arabic spoken in the street, 31,3% feels revulsion, 43,6% senses discomfort and 30,7% feels hatred. There has been a marked increase in the negative feelings expressed by the Jewish population towards Arabs if we compare the March 2007 index with a previous survey from December 2005: the feeling of hatred toward Arabs had grown (30.7% as opposed to 17.5%); 75.3% of those questioned said that they would not agree to live in the same building as Arabs (as opposed to 67.6% in 2005); and 61.4% were not willing to have Arab friends visit their homes, compared to 45.5% in 2005 (Awawda/Heider 2007; see also ACRI 2007, 14).

These widely held attitudes within Israeli society translate into support for specific anti-democratic policies and vision. A survey conducted by the Israel Democracy Institute (IDI) in 2008 shows strong support for the discriminatory attitudes towards the Arab citizens; only 52% of Israeli Jews agree “that full equality of rights should be awarded to all citizens”. The survey also reveals that 85% of all Israelis think that “relationships between Arabs and Jews are not good or not at all good”. This leads the IDI to conclude that the rift between Arabs and Jews within Israel is “the most severe internal problem in Israeli society” (Israel Democracy Institute 2008, 46-57).

The *behavioural* manifestations of such attitudes (as well as the consequences of Israel’s deliberate policies and structures of discrimination described below) can be plainly seen in the streets of Arab towns and villages. The Arab localities suffer from poor infrastructure, poverty, unemployment and poor services. Political activists face harassment, imprisonment and sometimes

⁵ “Israeli Cabinet Minister Calls for Arab-Free Israel.” Christian Science Monitor, 6 November 2006.

violence from the Israeli security forces. The killing of nine and injuring of hundreds of Arab citizens of Israel by Israeli forces during demonstrations at the beginning of the second intifada in October 2000, to name but one example, was one of the most violent clashes in recent decades.

Regarding the *context* of institutional violations, an examination of Israel's legal system and state structures reveals systemic discrimination and violation of the human rights of its Palestinian citizens. Israel defines itself as the state of the Jewish people, and the term "Jewish state" defines the collective through which Israel seeks to serve the Jews in Israel and throughout the world. This gives the right to every Jew to potentially become a full citizen merely by immigrating to Israel. The Law of Return (1950) and Citizenship Law (1952) combined offer Israeli citizenship to any Jewish person in the world, while effectively taking away the possibility that a Palestinian could become a full citizen (Darweish/Rigby 1995; Kretzmer 1990; Zureik 1979). Israel has no constitution and therefore there is no legal document or bill to arrange the relationship between the Palestinian minority and the state. Nor is there a statute in Israel similar to the Civil Rights Act in the USA or the Race Relations Act in Britain which protects citizens from private or public discrimination.

Control over the land is one of the main features of the conflict between the Palestinians and Israel. The Israeli government instituted a series of mandatory laws and regulations to "legalise" the acquisition of Palestinian refugees' land and property after 1948, while preventing them from returning to their land. Palestinian land was deemed "absentee property" through the Absentee Property Law (1950) and control of this land was passed to the state or quasi-state entities such as the Jewish National Fund (JNF) and the Israel Land Administration (ILA), which administered the land for the benefit of Jewish Israelis only. Under this law, Palestinian refugees were considered "absentees" and internally displaced Palestinians were regarded as "present absentees", designations that allowed the state to confiscate their land. In addition to this there are a further sixteen laws and acts that have been used to expropriate Arab land (Kretzmer 1990, 49-76).

In addition, the education system for the Palestinian citizens in Israel is profoundly discriminatory, as is evident in the State Education Law of 1953. The law describes the aim of elementary education in Israel as emphasising the value of Jewish culture and loyalty to the Jewish people. Arab students are required to learn more about Jewish history, culture and religion than their own, and their curriculum lacks sensitivity to their own national identity and history as Palestinians. There is gross discrimination in the fields of education facilities, allocation of budgets and nominal representation of Arabs in the decision-making and policy shaping of the Ministry of Education structures.

Furthermore, the law in Israel imposes the duty to serve in the Israeli army on every resident; however, it exempts the Arab citizens. Anyone who has served in the army will be eligible for a wide range of state benefits in grants for housing, higher education, training and preferential treatment in employment. Arabs are denied such rewards, and according to Avigdor Feldman, an Israeli lawyer in the field of human rights, such positive discrimination in favour of the 'army veteran' provides legal sanction for what are, in fact, racist ends (Darweish/Rigby 1995, 19).

The issue of institutional racism and discrimination, as discussed by Véronique Dudouet (2009, 18) for South Africa and Sri Lanka, is manifest in Israel. The state structure gives legal support to different government ministries for adopting policies and regulations that give privileges through the allocation of resources and budgets to Jewish areas. A Jewish council will qualify for social and economic projects where Arab councils will not. This will include tax breaks given to Jewish residents, businesses and investors.

Oren Yiftachel, an Israeli social scientist, has explained the control structure on the basis of "ethnocracy" as a regime built on two principles: "First, ethnicity, and not citizenship, is the main logic around which state resources are allocated; and second, the interests of a dominant ethnic

group shape most public policies. The combination of these two principles typically creates an ethno-class type of stratification and segregation” (Yiftachel 1997, 507).

2. Horizontal Peacebuilding and Conflict Intensification: Engaging National and International Civil Society

As stressed by Parlevliet, it is critical to engage constructively with state structures, systems and society in order to build a positive relationship, both vertically and horizontally (in this volume, 23), and to highlight the responsibility and accountability of the state, general public and civil society. However, in my opinion the lead article over-emphasises the role of the state and underplays the role of civil society, nationally and internationally, as a potential force for change. The state of Israel relies on the legitimacy and the support of the Jewish public, both at home and internationally, to sustain its discourse. Therefore, any positive change in their attitudes and perception of “the other”, i.e. the Palestinians, might potentially impact on the policy makers and shapers. The challenge is to communicate with and influence Israeli public opinion, to present a different discourse to the state’s dominant discourse and to raise their awareness of the violation of human rights experienced by their fellow Palestinian citizens and the Palestinians in the West Bank and Gaza Strip. Israel’s power depends on the obedience and cooperation of both Palestinians and Israelis, on various issues. Therefore, a social change movement that can mobilise for a shared peaceful vision of society in Israel and Palestine can lead the process of transformation.

Based on my experience of working with Palestinian and Israeli human rights organisations, my observation is that most of the financial and human resources have been utilised to address symptoms or consequences of the structural and direct violence of the conflict. Human rights organisations operating in the Palestinian areas and inside Israel provide a very comprehensive and detailed analysis and documentation of the violation of human rights, often focusing on litigation. This, in most situations, addresses the symptoms that have resulted from the systems and structures of oppression put in place by the occupying power. One human rights activist explained that “we have the most comprehensive reports, but all of them are sitting on the shelves” (RTC 2007). Recently, some human rights organisations have begun to direct more attention to international advocacy and lobbying by establishing offices in the USA and Europe.⁶

Palestinian and Israeli civil society organisations and Palestinian policy makers need to be creative and find alternative ways to address the Israeli society at the different levels, and include them in a peacebuilding process. In order to do that, it is fundamental to understand their attitudes, fears and concerns and their context to enable them to develop strategies to address such issues (Lederach 1999). Israeli society is part of the problem and therefore needs to be part of the solution. For example, in 2004 the International Court of Justice asserted that the construction of the “separation wall” is in violation of international law, while the majority of the Israeli public supported the construction of the wall. This illustrates the necessity to address concerns of the Israeli society, in order to transform their attitudes and perception towards the Palestinians. It is important to move beyond the legal and litigation approach towards an open and critical dialogue, without appeasing and maintaining the power status quo, but based on mutual recognition and respect. This will be a slow, holistic and multi-faceted process of engaging with the “enemy”, i.e. the holders of power. The aim is to work towards a shared vision of a peaceful society, based on justice and sustainable peace that both parties want to promote. Although there is no assumption that attitudes

⁶ See, for example, B’Tselem: www.btselem.org/english/About_BTselem/Index.asp (accessed 28 April 2010).

between the Palestinians and Israelis are symmetrical, it is still possible to identify similar attitudes towards each other based on fear, lack of trust, hatred, dehumanisation, anger and the justification of using measures that will cause human rights violations.

Cooperating with Israeli Jewish civil society organisations is a very controversial issue that has divided Palestinian civil society in the occupied territories, where the dominant voice at this point does not support such a “dialogue”. Only a limited number of Palestinians are prepared to accept this as a way forward. However, the situation is different amongst Palestinian NGOs in Israel, despite the division that already exists; there has been a shift in thinking amongst some of the leading Palestinian NGOs in Israel about the need to develop a strategy and approach for engaging with both Israeli society and state structures. Parlevliet endorses the idea raised by Clements that there is an opportunity for conflict transformation practitioners to play a facilitative role between society and state (Parlevliet in this volume, 29; Clements 2004). The number of conflict transformation organisations and practitioners in Israel/Palestine is acutely small, and therefore further capacity-building in conflict transformation, while providing space for civil society organisations to meet, analyse, reflect on their work and develop joint strategies for intervention, has powerful potential and should be given priority.

A multi-dimensional understanding of human rights, and also of development and conflict issues, will enable human rights, conflict transformation and development organisations who are engaged in the struggle for peace and justice to develop a multi-faceted strategy for intervention to transform the conditions that have given rise to discrimination and oppression. This will further require coordination and networking amongst organisations to develop a joint strategy. The SG brought together members from a variety of organisations. One participant commented on the conflict transformation training he had acquired as follows: “Windows have been opened in the mind; we are beginning to think in different ways about how to deal with issues. If you lived inside a room, all your thinking would be confined to that room. Without a window you would think the room was the world” (RTC 2007). In my experience of working with Palestinian and Israeli NGOs to integrate the principles and values of conflict transformation into their development and community work, this has laid the foundation for a society which respects and promotes a culture of human rights, including social, economic and political rights.

Finally, designing strategies for conflict transformation ultimately raises questions about our theory of change and change processes. How do we believe change happens? And what are our assumptions about change? However implicit or explicit our theory of change is, it will inform our strategy for intervention and action planning. For example, the lead article raises the issue of state power and “structural division of power and resources in society” (Parlevliet in this volume, 22). However, the conflict in Israel/Palestine is asymmetrical in its division of power and in its nature, as Israel holds most of the power both in the region and internationally which manifests itself in power over the Palestinians. Consequently, many conflict transformation and social change activists face an acute challenge, namely, how to transform such imbalanced power structures and policies constructively and without violence? I highlighted previously the need for an internal focus, but want to also underline here the need for external actors to play a role in this process. It is important to have a regular conflict analysis of the situation both at the national and international level, to identify new alliances and entry points. It might also be necessary to lobby and mobilise support and solidarity campaigns to intensify the conflict and bring it out into the open, in order to expose the violation of human rights and the need for a just and peaceful solution (Curle 1971; Francis 2002). As the lead article argues, “there is much scope for empowerment, mobilisation and advocacy in social change processes” (Parlevliet in this volume, 27), even if this will mean boycott, divestment and sanctions, as the Palestinian network of NGOs⁷ is advocating.

⁷ The Palestinian Network of NGOs is online at www.pngo.net/default.asp?i=190 (last accessed 25 October 2009).

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See also...

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