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The Case for Youth Overcoming Israeli Apartheid

The apartheid government in South Africa that was in place from 1948 until 1990 remains one of the most oppressive regimes in modern history. Part of the historical significance of the apartheid system is in recognizing, remembering, and preventing institutions from suppressing human dignity and human rights through such a systematic set of laws and policies. In 1973 a new norm and international law was put into effect by the United Nations titled the “Apartheid Convention.” This legal norm showed a new development in the international system in an attempt to deal with the inhumanity and oppressive character of the crime of apartheid. The purpose of this policy was in many ways to criminalize apartheid policies and also to spur international action to prevent the imposition of racial segregation similar to apartheid South Africa in the future. In recognition of the importance of apartheid as a historical example of ending oppression through grass roots youth based non-violent activism and international support, some have attempted to label the current situation within the Occupied Palestinian Territories (OPT) as “apartheid”. The purpose of this paper will be to highlight the importance of the comparison of the conditions under apartheid in South Africa and the current situation in the OPT. Additionally, this paper will focus specifically on the methods and goals of youth activists

in South Africa and Palestinian youth in the OPT to determine if youth resistance and nonviolence could prove to be a potential catalyst for change in the Palestinian context.¹

Historical Background

The Israeli-Palestinian relationship is a deep rooted, protracted, ethnic conflict that has roots going back to the early 20th century and beyond. The history and narrative of the creation of the state of Israel and the displacement of the Palestinian population is a contested and controversial history. However, for the purpose of this paper there are historical events that are important to keep in mind. In 1948 the state of Israel was established as an independent state recognized by the United Nations and the international community as a legitimate nation state and member of the international community. Following the creation of the state of Israel, a war broke out between Israel and its Arab neighbors which led to the creation of the 1949 Armistice Line or “Green Line” which demarcated Israel’s internationally recognized borders. In 1967 another war broke out between Israel and its neighbors which led to the subsequent occupation of all of former Palestinian lands outside of Israel’s 1949 borders including land commonly referred to today as the West Bank and the Gaza Strip. This event marks the beginning of the Israeli Government and Military as an occupying force within what the international community had previously recognized as lands set aside for a future Palestinian state.

In response to the occupation of what had been agreed upon as Palestinian territories the UN Security Council unanimously agreed upon UN Resolution 242.² This resolution called for the end of Israeli occupation of the lands gained through the war in 1967 as well as set out guidelines for future negotiations such as a just solution to the issue of refugees, peace with

¹ The term “youth” in this paper is applied encompassing individuals under 18 up until the age of 30 who take part in politic action i.e. demonstrations, organizing. Later the term “children” will be included when speaking about individuals under 18 within a specific international legal framework.

² *UN Resolution 242*, (New York: United Nations, 1967)<http://www.un.org/documents/sc/res/1967/scres67.htm>.

neighbors by relinquishing control of territory, peace within recognized territorial boundaries, and freedom of international movement. What is important to recognize is that this incident and the international response delegitimized Israel's ability to acquire the territories which it had obtained through the war in 1967 in the eyes of the international community and the UN. Instead, the occupation was not deemed "illegal", but under Article Four of the Geneva Convention there were a series of principles and laws that Israel should adhere to as an occupying force, most notably that the occupation should be temporary.

The situation has changed today drastically from Israel's early creation as a legitimate international state and the occupation has changed as well. Following the Oslo Peace Process in 1993 Israel relinquished control of portions of the West Bank and Gaza Strip to the Palestinian Authority. However, Israel still retains ultimate control of Palestinian movement outside of areas controlled by the Palestinian Authority. It is important to note that the history of the Israeli and Palestinian people has been marked by conflict including numerous instances of violence from both parties involved. The history of this conflict is too extensive and controversial to include all aspects; thus, this paper will seek to focus specifically upon the oppressive conditions that have been created in the OPT as a result of the Israeli occupation from 1967 on.

Apartheid, Afrikaans for apartness, was a policy that was officially implemented by the South Africa Government from 1948 until 1994 that governed relations between South Africa's white minority population and nonwhite majority population. The policies of apartheid constructed the system of racial segregation, political and economic discrimination, and disenfranchisement of non-whites. Racial segregation in South Africa has a much longer history of racial segregation and oppression dating back to British and Dutch colonialism. Following elections in 1948 the Nationalist Party implemented a regime of policies that sought to define

and segregate South African society based upon the classification of race. Under the Population Registration Act of 1950 South Africans were divided into 4 separate racial categories “native”, “white”, “colored”, and “Asian”. From this policy all individuals above the age of 13 were issued a national id card that stated their racial classification. The next most important step in creating the policy of Grand Apartheid was the relocation and division of society based upon racial categories. Under the Group Areas Act of 1950 the South African Government legalized the displacement, removal, and resettlement of racial groups into specified townships and Bantustans across South Africa. From this point until the apartheid regime’s end it used a wide array of judicial and extra-judicial measures to enforce the racial segregation of South African society and dominance by the white minority economically, politically, and socially.

The Case for Apartheid

Many scholars and individuals have raised the comparison between the situation in the Occupied Palestinian Territories and the conditions that were present under the apartheid regime in South Africa. This claim was famously presented by Jimmy Carter in his book titled “Palestine Peace not Apartheid” released in 2006. He states, “Utilizing their political and military dominance, they (the Israeli Government) are imposing a system of partial withdrawal, encapsulation, and *apartheid* on the Muslim and Christian citizens of the occupied territories.”³ This claim has received ardent criticisms and attacks as an improper use of the term “apartheid” because of the different contexts, power dynamics, ethnic and racial dimensions, and classifications under international law among other differences between the situations. An Israeli legal expert Raef Zreik states, “The South Africa Israel analogy should be pursued with caution; while the analogy is powerful and allows us to see aspects of reality that have remained hidden

³ Jimmy Carter, *Palestine Peace Not Apartheid*, (New York : Simon and Schuster, 2006), 189.

like analogies it tends to hide other aspects of that same reality.”⁴ However, he also recognizes that “since the victory of the anti-apartheid struggle in South Africa, the analogy has been utilized not merely for rhetorical ends but to suggest a model that could serve the Palestinians in their quest for justice.”⁵

Others have weighed in on the subject including Israeli scholar Lev Luis Grinberg who argues that, “Critical language needs to be able to assign meaning, determine responsibility, and rectify injustice. However, every subversive word that exposes and condemns the intention and meaning of Israel’s actions in the Palestinian context is sterilized, taken out of political context, and stripped of its true meaning the moment it emerges.”⁶ Criticisms of the wholesale use of the term “apartheid” to explain the situation in the OPT are valid. It would be near impossible to capture the meaning of a complex situation such as the Israeli occupation in a singular comparison, however, the history of the anti-apartheid struggle provides a road map to ending oppression through a non-violent internationalized movement that cannot be ignored. Evoking comparisons with the apartheid system and the anti-apartheid struggle has a potentially powerful meaning and provides a potential framework by which activists can challenge the situation in the OPT. To fully understand the potential for non-violent youth action in the Occupied Palestinian Territories today, it is necessary to explore the similarities between apartheid and the current situation in the OPT today specifically in the West Bank which this paper will focus on.

In 2007 Professor John Dugard presented a report to the UN Human Rights Council as UN Special Rapporteur on the human rights situation in the OPT posing the question:

⁴ Raef Zreik, "Palestine, Apartheid, and the Rights Discourse," *Journal of Palestine Studies*, XXXIV, no. No.1 (Autumn 2004), 1.

⁵ Ibid, 1.

⁶ Lev Luis Grinberg, "Speechlessness: In Search of Language to Resist the Israeli "Thing Without a Name", *International Journal of Politics, Culture and Society*, 22, no. 1 (March 2009), 106.

“Israel is clearly in military occupation of the OPT. At the same time, elements of the occupation constitute forms of colonialism and of apartheid, which are contrary to international law. What are the legal consequences of a regime of prolonged occupation with features of colonialism and apartheid for the occupied people, the Occupying Power and third States?”⁷

In response, the Human Sciences Research Council (HSRC) of South Africa commissioned a study to test this hypothesis.⁸ The study examined the international legal norms that are applicable given the situation in the OPT. On the issues of international law the study states,

“Belligerent occupation in itself is not an unlawful situation: it is accepted as a possible consequence of armed conflict... In contrast to occupation, both colonialism and apartheid are always unlawful and indeed are considered to be particularly serious breaches of international law because they are fundamentally contrary to the core values of international legal order.”⁹

The international community has consistently recognized since the release of UN Resolution 242 in 1967, that Israel remains the belligerent occupying force in the OPT. Action in response to this claim has been effectively mitigated by the Israeli authorities arguing that they are not in occupation of this land and that even if they were, the occupation remains temporary. However, as the occupation continues into its fifth decade it is important to look to other legal norms and principles to shine light on the reality of the situation in the OPT.

The Apartheid Convention created in 1973, defines apartheid as “an aggravated form of racial discrimination because it is a State-sanctioned regime of law and institutions that has ‘the purpose of establishing and maintaining domination by one racial group of persons over any

⁷ Human Sciences Research Council, "Occupation, Colonialism, Apartheid?: A re-assessment of Israel's practices in the occupied Palestinian territories under international law," *Democracy and Governance Programme Middle East Project* (May 2009), 5.

⁸ Ibid, 5.

⁹ Ibid, 5.

other racial group of persons and systematically oppressing them.”¹⁰ For the application of the Apartheid Convention to the situation in the OPT it is necessary to determine whether the discrimination of Palestinians living within the West Bank compared to Israeli Jews living in settlements constitutes two different ‘racial groups’. The HSRC study concludes, “In the OPT, this study finds that ‘Jewish’ and ‘Palestinian’ identities are socially constructed in the OPT as groups distinguished by ancestry or descent as well as nationality, ethnicity, and religion. On this basis, the study concludes that Israeli Jews and Palestinian Arabs can be considered ‘racial groups’ for the purposes of the definition of apartheid in international law.”¹¹ The scholars tested Article 2 of the Apartheid Convention against the situation in the OPT with the theoretical framework that all conditions need not apply to be considered apartheid under the convention nor did the situation need to mirror South Africa completely. The report concludes that, “Israel appears to be implementing and sustaining policies intended to maintain domination over Palestinians in the OPT and to suppress opposition of any form to those policies”¹² Through this classification and the determination that the difference between Jews and Arabs in the West Bank can be considered racial categories, it can be concluded that indeed Israel remains in violation of the provisions outlined under the Apartheid Convention. Numerous scholars and the Israeli Government contest international legal claims so it is important to look at the actual policies in action where similarities can be drawn between the OPT and apartheid in South Africa.

The South African apartheid regime was defined by specific policies and laws that enforced racial segregation and oppression. These policies included the formal demarcation of

¹⁰ United Nations, "International Convention on the Suppression and Crime of Apartheid." Last modified November 30, 1973.

¹¹ Human Sciences Research Council, 10.

¹² Ibid, 13.

South Africans into racial groups through the Population Registration Act of 1950. Once the population was divided along racial lines the population was then segregated and its movements were controlled through policies such as the infamous “Pass Laws” and the Group Areas Act of 1950. These policies allowed for the total control of non-white movement and the creation of ‘Homelands’ or ‘Bantustans’ in order to control black and colored South Africans by transferring or forcing them to reside in particular territorial boundaries.¹³ These policies amounted to territorial, economic, political, and social control of the majority of South Africa’s population by the white minority. Finally, these policies were enforced with security laws that were employed to suppress any opposition to the apartheid regime through administrative detention, censorship, banning, and assassination.¹⁴ In recognition of the injustices that these policies of apartheid created, the international community adopted the provisions of the Apartheid Convention to prevent and criminalize policies based on this type of systematic racial oppression in a given territory.

A comparison of the policies put in place in the West Bank between Israeli settlers and Palestinians highlights the similarities between the policies put in place by the South African apartheid regime and the Israeli Government. There exists a two tiered system of law, control, and freedom within the West Bank between the Palestinians and the Israelis who live in settlements throughout the territory. Under the current system of control, if we set aside the notions of a “temporary” military occupation, because the occupation seems to have no end in sight, we see that in reality there are simply two environments governed by different principles, laws, and policies. The Jewish settler population is governed by Israeli Civil Law and the Palestinian population is governed by Israeli Military Law. The troubling part about this

¹³ Ibid, 13.

¹⁴ Ibid, 13.

difference in legal status is the fact that status is predicated on ethnicity or race; individuals are defined as Jewish or Arab. This is constructed through Israel's citizenship laws which assert that group identity, or in this case Jewish identity is the primary factor in determining acquisition of Israeli citizenship.¹⁵ Thus there are two systems of justice and state control within the OPT based entirely on ethnicity or race. This according to the South African Human Sciences Research Council accounts to "an institutionalized system that privileges Jewish settlers and discriminates against Palestinians on the basis of the inferior status afforded to non-Jews by Israel."¹⁶ This discrimination is put into practice through a system of territorial control through the separation wall, fencing in of Palestinian enclaves, parallel laws, closures, curfews, pass laws, roads for Jews only, restrictions on water use for Palestinians only, land confiscations, and closed military areas just to name some of the policies.¹⁷

Following the demarcation of individuals within the West Bank as either or Jewish/Israeli and Palestinian/Arab these populations, just like in South Africa, are forcibly divided so that there is a near total lack of contact between the two communities. Many believed that following the signing of the Oslo Accords Palestinians would finally be able to realize their right to self-determination and create a legitimate state. However, in reality the Palestinian National Authority controlled territories in the West Bank (Areas A and B), which are remarkably similar conceptually to Bantustans or 'homelands' in South Africa. The territories are given semi-autonomous control, but are then encircled by Israeli military control and inevitably all exit and entry from these areas are controlled by the Israeli military. This also doesn't take into account the Palestinian areas that are within Area C that are a patchwork of non-continuous enclaves of

¹⁵ Ibid, 14.

¹⁶ Ibid, 15.

¹⁷ Reif Zreik, 72.

Palestinian inhabited land interspersed with checkpoints, Israeli settlements, and Jewish only roads that impede movement, freedom, and security. The most recent development and symbol of segregation has been the building of the separation barrier that divides Israel from the OPT. Following the start of the second Intifada, moderate Israeli politicians proposed the construction of the barrier in 2002 to prevent suicide bombers from entering Israel from the West Bank. However, since the barrier has been built it has been built entirely on land outside of the Green Line. The wall has actively denied Palestinian communities' access to farm lands, prevented access to markets, schools, hospitals, jobs, places of worship, and has expropriated property on a massive scale.¹⁸ The construction of the separation wall was essentially the creation of a barrier that has encircled, cut off, and destroyed Palestinian communities in and around the border region between Israel and the OPT. The HSRC concludes that the Israeli policy of geographic fragmentation "has the effect of crushing Palestinian socioeconomic life, securing Palestinian vulnerability to Israeli economic dominance, and of enforcing a rigid segregation of Palestinian and Jewish populations."¹⁹

The final tool of control of apartheid policies after the racial demarcation and geographic segregation was the enforcement of these policies through a draconian security apparatus. In the West Bank these policies can be seen to a scale almost unimaginable in the South African context such as the use of F-16 and attack helicopters to level apartment buildings in search of single leaders of opposition groups.²⁰ To control the situation in the West Bank the Israeli authorities regularly use tactics such as extrajudicial killing, torture, cruel, inhuman or degrading

¹⁸ Michael Lynk, "The High Court of Israel, International Law, and the Separation Wall," *Journal of Palestine Studies*, 35, no. No.1 (Autumn 2005), 9.

¹⁹ Human Sciences Research Council, 15.

²⁰ Raef Zreik, 74.

treatment and arbitrary arrest and imprisonment of Palestinians.²¹ These policies and others such as mass home demolitions and the creation of the separation barrier are always invoked by the Israeli Government under notions of ‘security’.

The debate around the issue of invoking the rhetoric of the anti-apartheid struggle and the rights based approach for countering oppression is relevant in addressing the situation in the OPT. Although the situations do not mirror each other in an exact form and certain aspects of the Palestinian context fall outside of the realm of the Apartheid Convention, the comparison still holds power and potential to be used as rhetoric for activists and is valuable in terms of upholding international law by UN member states. The similarities of the policies and realities of each context highlight that there is an ability to relate the anti-apartheid fight with the fight by Palestinian activists for justice and self-determination. The anti-apartheid struggle utilized a rights based framework to attack the illegitimacy and oppressive nature of the apartheid regime. Through a comparative analysis it shows that by invoking the apartheid comparison activists, politicians, and scholars are not simply using the word as a rhetorical device but as a term that helps to inform others about the reality of the situation in the OPT. By using this word and this comparison the goal is to build off of the successes of the anti-apartheid struggle by invoking similar references to rights abuses and breaches of international laws and norms.

Nonviolence

Today the situation in the OPT in many ways mirrors the struggle in South Africa prior to 1990 because of the enormity of international norms and laws that are in place to prevent what is occurring, but few if any of these principles are being protected or followed. In 1973 the UN

²¹ Human Sciences Research Council, 15.

General Assembly passed the Apartheid Convention and numerous international actors including the UN had passed numerous resolutions and made statements in an attempt to end the apartheid system. However, these efforts took time to have an impact in changing the tide of the resistance. In analyzing the situation in South Africa it is essential to look at the work of the non-violent resistance and specifically facets that related to youth because youth played a pivotal role in leading the non-violent resistance in South Africa. Scholar Stephen Zunes states, “Against enormous odds, non-violent action proved to be a major factor in the downfall of apartheid and the establishment of a democratic black majority government.”²² Before assessing the non-violent strategies employed in South Africa it is important to analyze nonviolence as a strategy.

Acts of non-violent resistance have occurred for centuries, but the theory of nonviolent action is often credited to the work of Gene Sharp. His theories and application of non-violent strategy can be applied to problems of liberation, international aggression, and struggles of self-determination just to name a few. Sharp outlines non-violent resistance as a strategy to combat power imbalances, oppression, and instances of subjugation. His strategies center around political power which he argues non-violent action “makes it possible for people to realize their political potential and to struggle to control their own destinies, even against ruthless enemies well equipped with the machinery of violence.”²³ Sharp argues that power is a relationship that incorporates both the powerful and those who are controlled by this power and that the central characteristic of power is that it depends “intimately upon the obedience and cooperation of the subjects.”²⁴ Sharp divides non-violent action into three broad classes of nonviolent methods:

²² Stephen Zunes, "The Role of Non-Violent Action in the Downfall of Apartheid," *The Journal of Modern African Studies* , 37, no. No. 1 (March 1999), 137.

²³ Gene Sharp, *The Politics of Nonviolent Action* , (Boston: Porter Sargent, 1973), viii.

²⁴ Ibid, 12.

active protest, noncooperation, and intervention.²⁵ Active nonviolent protest and persuasion are instances of symbolic action to persuade an opponent. Noncooperation is a group's withdrawal from social, political, and economic cooperation. And finally intervention is an example of direct action that seeks to obstruct through non-violent methods such as a sit-in. Sharp states that the goal of the mechanisms of non-violent action is to "influence – and at times to regulate – the opponent's power, by reducing or severing the power of the opponent at its sources."²⁶ Sharp's theory of nonviolent struggle focuses on relationships where power and power disparity exist. The theory does not outline a final outcome of nonviolent resistance, but instead only the means of influencing or changing power dynamics through nonviolent struggle. In the cases of the Palestinian resistance and the anti-apartheid movement it is clear to see that this theory is applicable given the desire for change in the power dynamics between the resistance movements and their interlocutors. Using Sharp's framework of non-violent action provides a lens to analyze and explore the methods used by South African youth and Palestinian youth historically and presently to change political systems.

Youth Resistance to Apartheid

The South African youth resistance of the apartheid regime began almost immediately after the inception of the apartheid policies in 1948. Youth resistance to the regime has its roots in the African National Congress (ANC) which was the major organizational umbrella for the anti-apartheid resistance from the 1950s until the end of the apartheid system. Certain groups within the ANC and other groups throughout this time period used violent strategies including

²⁵ Henrik Sommer, "From Apartheid to Democracy: Patterns of Violent and Nonviolent Direct Action in South Africa, 1984- 1994," *Africa Today*, 43 (1996), 55-56.

²⁶ Gene Sharp, 69-70.

bombings and guerilla warfare to combat the apartheid regime.²⁷ Although there were violent strains of the youth resistance, the real momentous periods of change throughout the 1980s came as a result of mass non-violent resistance. The history of non-violent resistance in South Africa remains long and dates back as far as Mohandas Gandhi's non-violent campaigns in the Natal in the early 1900s.²⁸ Apartheid scholar Mark Uhlig noted that despite twenty five years of armed resistance in South Africa, with large amounts of military aid and training from the Soviet Union that the ANC had little to show for its actions and was ultimately unsuccessful at winning liberation through a violent struggle.²⁹ The failure to overcome the apartheid regime through violence can potentially be attributed to the vast military resources and international support that the apartheid regime had in suppressing violent activities.

Although the apartheid government had one of the most modern militaries in the world and had enormous anti-terror and counter insurgency methods, the non-violent resistance recognized that, "Despite great mineral wealth, and an increasing industrial capacity, South Africa's white minority regime found itself dependent on its black majority, its southern African neighbours, and the industrialized West, to maintain its repressive political system and its high level of modernization", according to Stephen Zunes.³⁰ The reliance on international support and compliance of the black majority population in South Africa for the apartheid regime to function provided space for non-violent resistance to seek to create change and shift the dynamics of the relationship. Throughout the 1980s the ANC and other organizations began to recognize the necessity to focus increased attention on a non-violent struggle even while some

²⁷ Stephen Zunes, 139.

²⁸ M. Benson, *South Africa: the Struggle for a Birth-right*, (Harmondsworth: Penguin Books, 1966), 159.

²⁹ Mark Uhlig, "The African National Congress," in *Apartheid in Crisis*, ed. Mark Uhlig (New York: Vantage Books, 1986), 170.

³⁰ Stephen Zunes, 138.

violent efforts such as sabotage and small scale guerilla attacks were continuing.³¹ According to Zunes, “A major factor in the revitalization of the South African resistance was the Black Consciousness movement, which was launched in the early 1970s, stressing self-reliance and non-violent resistance. Though inspired in part by Frantz Fanon’s ideas of empowerment and conscientisation, the Black Consciousness Movement stressed that black pride need not come only through violence.”³² This movement was championed by youth leader Steven Biko who called for increased non-violent resistance as the method for defeating the apartheid regime.³³ This movement took hold and led to a transformation of the resistance movement in placing non-violent mass mobilization at the forefront of the anti-apartheid struggle. These policies included the mechanisms that Sharp outlined as methods of non-violent action, most notably the use of mass mobilization of protesters and also non-cooperation through forms of strikes and consumer boycotts.

During the 1980s Zunes states that, “In effect, the ANC recognized that the non-cooperation of the people was critical, and that it was the un-governability of the country by the apartheid regime, and not its physical overthrow, which would end apartheid.”³⁴ The focus on non-violent resistance enveloped the movement and was bolstered by attempts by the South African government to “reform” the system but not drastically changing the apartheid policies. In response to the Constitution Act of September 1983, nationwide campaigns of political mobilization began.³⁵ At this point a mass democratic movement (The United Democratic Front or UDF) was formed which included the informal alliance of 100s of civil associations, trade

³¹ Ibid, 147-148.

³² Ibid, 152.

³³ Gail M. Gerhart, *Black Power in South Africa*, (Berkeley: University of California Press, 1978), 285.

³⁴ Stephen Zunes 148.

³⁵ Henrik Sommer, 60.

unions, student groups, youth groups, churches, women's organizations, religious groups, sports clubs and the ANC who were committed to a 'united democratic South Africa based on the will of the people' and 'an end to economic and other forms of exploitation.'³⁶ This organization was able to coordinate non-violent resistance campaigns, such as boycotts, strikes, and other tactics from local arenas to inform and engage national and international audiences.

A particular example of how the non-violent youth resistance began to take hold was the major consumer boycott that began in Port Elizabeth in 1985. The effort of the youth movement to bring the anti-apartheid struggle from the townships to the white areas was chronicled in the film "A Force More Powerful."³⁷ Recognizing the struggle needed to spread beyond the townships in order to expose the oppression of the apartheid regime and its security forces, youth leaders like Mkhuseleli Jack organized a massive consumer boycott in 1985 against "white" products in the Port Elizabeth region.³⁸ The youth movement in the Port Elizabeth townships used weekly funerals of youth killed in acts of resistance to protest apartheid and also to spread the message in support of the proposed boycott in the summer of 1985.³⁹ The boycott began with almost 100 percent participation of the black community in the area.⁴⁰ From this point further the use of consumer boycotts became a main tactic of the youth resistance in this region and throughout the country in an effort to gain support and attention to their cause as well as to severely undermine the economic security of the apartheid system.

The nonviolent resistance continued to grow through mass non-violent campaigns that the apartheid regime actively attempted to undermine through violent tactics. The growth in non-

³⁶ T. Karis, "Black Politics: The Road to Revolution," in *Apartheid in Crisis*, ed. Mark Uhlig (New York : Vantage Books, 1986), 128.

³⁷ York, Steve. "A Force More Powerful." York Zimmerman Inc. 2000. DVD.

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

violent resistance culminated in the Defiance Campaign of 1989 with waves of mass demonstrations. These started in Cape Town in September 1989 and spread to Johannesburg, Durban, and other major cities throughout South Africa which encompassed hundreds of thousands of demonstrators.⁴¹

Throughout this time the international community was also turning against the apartheid regime and instituted economic and military sanctions against the apartheid system. After numerous UN General Assembly and Security Council condemnations of apartheid injustices, the sanction and divestment campaign began to grow. In 1977 UN Security Council Resolution 418 was passed by the UN Security Council which imposed a military embargo on South Africa in response to the apartheid policies.⁴² In 1986 the United States Government through an act of Congress adopted the Comprehensive Anti-Apartheid Act of 1986 which imposed sanctions on South Africa and banned all new trade and investment in South Africa until steps were taken to disband and end the apartheid system of control.⁴³ With international pressure, non-violent civil disobedience, and mass resistance growing the ANC adopted the Harare Declaration on August 21, 1989 calling for the support of negotiations over ending apartheid between the ANC and the South African Government. Negotiations commenced shortly thereafter with President de Klerk. These negotiations and this process culminated with democratic elections, the abolishment of the apartheid regime, and the creation of a new black majority government in 1994. The non-violent youth resistance movement utilized and engaged the apartheid regime through policies of non-cooperation and active protest to draw attention to their struggle internationally and to influence the apartheid government domestically. Ultimately the size and moral high-ground that the non-

⁴¹ I.W. Wink, *Violence and Nonviolence in South Africa: Jesus' Third Way*, (Philadelphia: New Society Publishers, 1987), 6.

⁴² *UN Resolution 418*, (New York : United Nations , 1977) <http://www.un.org/documents/sc/res/1977/scres77.htm>

⁴³ "Comprehensive Anti-Apartheid Act of 1986." [http://thomas.loc.gov/cgi-bin/bdquery/z?d099:H.R.4868:](http://thomas.loc.gov/cgi-bin/bdquery/z?d099:H.R.4868)

violent struggle helped create led to international support and defeat of the apartheid regime. The strategies employed by the youth resistance in South Africa highlight the potential for non-violent resistance to succeed in situations of grave power disparity and military dominance by state actors such as the apartheid government in South Africa and the Israeli military authorities in the OPT. The ability to succeed through mass mobilization and economic boycotts proved effective in disrupting the cooperation between the regime and the people that the apartheid regime needed to function.

Impact of Apartheid on Children and Youth in the West Bank

A full analysis of the impact of the Israeli policies on youth in the Occupied Territories is beyond the scope of this paper. However, it is important to recognize the rights abuses of children and youth and how this impacts resistance and justice. The occupation has impacted the lives of children and youth in almost all aspects including health, education, security, and employment to name a few. For the purposes of this paper a broader rights based analysis will be used to understand the impacts of the occupation on children and youth in regards to international norms and standards in regards to education, health, justice, and housing. These areas were all focal points of the anti-apartheid struggle in South Africa. Since the first Intifada began there have been cycles or periods that have grown extremely dire for children and youth followed by periods of “normal” occupation that also negatively impacts the lives of children and youth in the OPT.

The system of checkpoints, settler only roads, walls, restrictions, and closed military areas controls the movement of Palestinians almost entirely. The use of identity documents, permits, and color coded license plates is directly comparable to the system of pass laws that was put into place in South Africa to control the movement of non-white South Africans. According

to scholar Thomas Ricks, “The checkpoints and roadblocks throughout the occupied West Bank, estimated to be over 400, are placed between Palestinian towns and villages, between villages and highways, and at times, multiple roadblocks are placed between refugee camps, villages, and towns. In comparison there are only a dozen checkpoints between the Occupied Territories and Israel proper.”⁴⁴ Because of these Israeli Military policies, education, health, and security are impacted on a constant basis for youth. In 2004 UNICEF reported that, “On any given day, one third of all school-aged children are struggling to the classroom through checkpoints, earth mounts, bars, and trenches.”⁴⁵ At face value these obstacles seem to be only security procedures, however, children and youth are regularly exposed to violence, harassment, live ammunition fire, and witnessing humiliation of adults at these checkpoints.⁴⁶

The restriction of movement drastically impedes Palestinian children and youth’s access to education. Access to education and the right to education for children and youth have been enshrined in numerous international laws and norms, such as Article 28 of the UN Convention on the Rights of Children. The UNCRC states, “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.”⁴⁷ The Palestine Monitoring Group, an inter-agency group of Palestinian civilian ministries and security agencies, reports that “Israeli restrictions on Palestinian freedom of movement such as checkpoints, curfew and closure of roads, wall gates, schools, and Palestinian

⁴⁴ Thomas Ricks, “In Their Own Voices: Palestinian High School Girls and Their Memories of the Intifadas and Nonviolent Resistance to Israeli Occupation, 1987 to 2004,” *NWSA Journal*, 18, no. 3 (Fall, 2006), 95.

⁴⁵ UNICEF. 2004. UNICEF Humanitarian Action, Occupied Palestinian Territory, Donor Update, June 7. New York: United Nations Children’s Fund (UNICEF).

⁴⁶ Nadia Abu Zahra, and Adah Kay, *Unfree in Palestine*, (New York: Pluto Press, 2013), 142.

⁴⁷ The United Nations, “Convention on the Rights of the Child.” Last modified 1990. <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>.

locales, have directly and drastically obstructed access to education.”⁴⁸ In addition to the obstruction of Palestinian children youth from accessing education on a day-to-day basis because of Israeli security procedures institutions of education are often subjected to violence and collective punishment. From September 2000 to May of 2004, curfews and closures for security reasons closed 1,289 schools.⁴⁹ A report released by UNDP and Birzeit University concluded that during this same time frame, from September 2000 to June 2004, the Israeli army broke into or shelled 298 schools, destroying 282. In addition, eight universities were broken into or shelled by the Israeli military, and another 98 schools were vandalized or bulldozed and 48 schools were turned into military bases.⁵⁰ According to Save the Children, between October 2000 and February 2003, 132 students were killed and 2,500 were injured on their way to and from school. For the academic years of 2003 to 2004 and 2004 to 2005, the Israeli army killed 174 students and seven school teachers, and injured 426 students and 28 teachers in government schools.⁵¹ These statistics about the denial of access to education because of security procedures as well as the violence inflicted upon students while in or on the way to school highlight the denial of access and a right to education for Palestinian children and youth. As noted by the UN Special Rapporteur on the Right to Education in 2005, “military occupations are another appreciable

⁴⁸ Palestinian Monitoring Group. 2005. *Trend Analysis: Education Under Occupation: Disruptions to Palestinian Education and Chronic Crisis in the Occupied Palestinian Territories Stemming from Israeli Military and Settler Activity*, 01 September 2003- 30 June 2005. Ramallah: Negotiations Affairs Department, Palestinian Liberation Organization, 5.

⁴⁹ Abu Zahra and Kay, 143.

⁵⁰ Birzeit University, Palestinian Ministry of Planning and UNDP. 2005. Palestine; Palestinian Ministry of Education and Higher Education (MOEHE). 2005. *Assessment 10: The Effect of the Israeli Occupation on Education 28/9/2000-14/6/2004*. Ramallah: MOEHE.

⁵¹ Save the Children. 2003 *Growing UP Under Curfew: Safeguarding the Basic Rights of Palestinian Children*. London: Save the Children Sweden and Save the Children UK; Palestinian Ministry of Education reports within Palestinian Monitoring Group. 2005. *Trend*, 4.

curb on the right to education, the most egregious example being the Israeli-Palestinian conflict.”⁵²

Since the occupation began in 1967 the establishment of Israeli Settlements has created a dual system of justice within the West Bank. Palestinian children and youth are governed by Israeli Military Law whereas Israeli children and youth are governed by Israeli Civil Law, though both populations are living outside of Israel’s internationally recognized borders. However, in 1997 Israel became a signatory to the UN Convention on the Rights of Children. As a signatory to this treaty the International Court of Justice upheld in 2004 that Israel was obliged to protect those rights included in this treaty within the OPT.⁵³ After 42 years of trying Palestinian children in the same courts as adults, in 2009 the military juvenile court was created by Military Order 1644.⁵⁴ In 2011, by Military Order 1676, the court finally changed their laws declaring that they would try children up to 18 in special juvenile courts.⁵⁵ The slow movement in recognizing the special status of children within the field of criminal justice led to a team of lawyers from the United Kingdom, funded by the UK Government’s Foreign and Commonwealth Office, to investigate the situation of Palestinian children in the West Bank and their status in relation to the UN Convention on the Rights of Children. The delegation visited Israel and the West Bank from September 10-17 in 2011 and their “terms of reference were to undertake an evaluative analysis of Israeli military law and practice as they affect Palestinian

⁵² UN Special Rapporteur on the Right to Education, Annual Report 2005, U.N. Doc. E/CN.4/2005/50, §124.

⁵³ BBC, "Israel 'breaching UN convention on children's rights'." Last modified June 27, 2012. <http://www.bbc.co.uk/news/world-middle-east-18608900>.

⁵⁴ U.K. Foreign and Commonwealth Office, "Children in Military Custody." Last modified June 2012. http://www.childreninmilitarycustody.org/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf, 4.

⁵⁵ Ibid, 4.

children in the West Bank by reference to the standards of international law and international children's rights. The terms of reference did not include the legality of the occupation."⁵⁶

Prior to investigation, the team determined that Israel, as the Occupying Power in the West Bank, carries its international human rights obligations with it.⁵⁷ The International Court of Justice strongly supported this responsibility in its 2004 Advisory Opinion over the legality of the separation wall that Israel began building in 2002.⁵⁸ The delegation stated that "the Israeli *domestic* juvenile justice system in our view conforms substantially to the standards required by the UNCRC and adopted in most of the so-called 'developed world'. We therefore use it as a suitable yardstick for assessing legal propriety."⁵⁹ Finally the delegation stated, "Under international law, no state is entitled to discriminate between those over whom it exercises penal jurisdiction on the basis of their race or nationality. Unequal justice is not justice."⁶⁰ According to Defence for Children International, every year approximately 500-700 Palestinian children come into contact with the military justice system in the West Bank.⁶¹ The below chart highlights general differences in the penal codes that govern the West Bank as they relate to Israeli and Palestinian Children.⁶²

⁵⁶ "Children in Military Custody," 2.

⁵⁷ Ibid, 6.

⁵⁸ Advisory Opinion on the Legal Consequences of Construction of a Wall in the Occupied Palestinian Territories, dated 9 July 2004 at paragraphs 102-113
<http://www.icj-cij.org/docket/files/131/1671.p>

⁵⁹ "Children in Military Custody," 6.

⁶⁰ Ibid, 6.

⁶¹ Defence for Children International, "In their own Words: A Report on the situation facing Palestinian children detained in the Israeli military court system," Palestine (2011): 3.

⁶² "Children in Military Custody," 7.

#	Event	Israeli Child subject to Israeli civilian legal system	Palestinian child subject to Israeli military detention system
1	Minimum age of criminal responsibility	12	12
2	Minimum age for custodial sentences	14	12
3	Age of majority	18	18 (prev. 16) ¹¹
4	Legal right to have parents present during questioning	Generally yes ¹²	No
5	Legal right to have lawyer present during questioning	No	No
6	Audio-visual recording of interrogations	Partial ¹³	No
7	Maximum period of detention before being brought before a judge	12-24 hrs	8 days
8	Maximum period of detention without access to a lawyer	48 hrs ¹⁴	90 days
9	Maximum period of detention without charge	40 days ¹⁵	188 days
10	Maximum period of detention between being charged and conclusion of trial	6 months	2 years

Through the British delegation's independent research with numerous Palestinian and Israeli NGOs, UN Agencies, former Israeli soldiers, Palestinian children, and Israeli Government officials they received competing claims in regards to the treatment and application of the judicial system in regards to children. From the Israeli Government they were told that detention procedures were humane, children are offered right to counsel and or silence, violence is never used, testimony is not obtained through coercion, and educational services are given while children are in custody.⁶³ However, through contact with Palestinian and Israeli NGOs, UN agencies, lawyers, former Israeli soldiers and Palestinian children a different account was given. These sources reported that children were often arrested at night, blindfolded, verbally and physically abused, not informed of their right to silence or to see a lawyer, held in solitary

⁶³ Ibid, 11.

confinement, pressured to inculcate themselves, and sign statements that they could not read because they are written in Hebrew, and denied education resulting in a traumatic and severely damaging experience.⁶⁴

The delegation found conclusive evidence of Israel's breach of the UNCRC; however, they did not base this claim on reports of injustice, but instead simply based upon the laws that are on the books as Israeli military procedure. Conclusively, the delegation determined through examination of Israeli military law that there "are undisputed facts which compel us to conclude that Israel is in breach of articles 2 (discrimination), 3 (child's best interests), 37 (b) (premature resort to detention), (c) (non-separation from adults) and (d) (prompt access to lawyers) and 40 (use of shackles) of the United Nations Convention on the Rights of the Child."⁶⁵ Also if the accounts of cruel punishment were indeed accurate, the delegation states, "Israel will also be in breach of the prohibition on cruel, inhuman or degrading treatment in article 37 (a) of the Convention. And finally that, "Transportation of child prisoners into Israel is in breach of article 76 of the Fourth Geneva Convention. Failure to translate Military Order 1676 from Hebrew is a violation of article 65 of the Fourth Geneva Convention."⁶⁶ The report's conclusions concludes with the candid claim that, "It may be that much of the reluctance to treat Palestinian children in conformity with International norms stems from a belief, which advanced to us by a military prosecutor, that every Palestinian child is a potential terrorist. Such a stance seems to us to be the starting point of a spiral of injustice, and one which only Israel as the Occupying Power in the West Bank, can reverse."⁶⁷ It is clear through analysis of the Israeli penal system currently in place over Palestinian children living in the West Bank that grave breaches or international

⁶⁴ Ibid, 11.

⁶⁵ Ibid, 30.

⁶⁶ Ibid, 30.

⁶⁷ Ibid, 30.

norms and laws exist specifically in regards to the UNCRC. The lack of justice and grave injustice imparted through the legal system creates a two tiered system where Palestinian children are not protected by international standards of justice.

The Israeli military occupation, security policies, and instances of violent conflict have had a devastating impact on the health and wellbeing of Palestinian children and youth. The right to health is part of the 1946 World Health Constitution, 1948 Universal Declaration of Human Rights, 1966 International Covenant on Economic, Social and Cultural Rights (Article 12), 1989 UN Convention on the Rights of the Child (Article 24) all treaties which Israel is a signatory to. Article 24 of the UNCRC states, “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.”⁶⁸ In the Occupied Palestinian Territories, the right to health is actively denied due to movement restrictions, military operations, and other factors that result from the occupation. In 2004, the United Nations Office for the Coordination of Humanitarian Affairs reported that as a result of movement restrictions, 39 percent of those surveyed reported that they had to find alternative health services compared to the health facilities they would normally use because of movement restrictions and security barriers.⁶⁹

In addition to security barriers, there are regular attacks on ambulances and medical transports at checkpoints and throughout the OPT. According to scholars Nadia Abu-Zahra and Adah Kay, from September 2000 to March 2006 there were 383 attacks on ambulances, in addition to nearly 1,800 reported cases of ambulances carrying ill and injured people who were

⁶⁸ The United Nations, "Convention on the Rights of the Child."

⁶⁹ UN OCHA. Consolidated Appeals Process, Occupied Palestinian Territory 2004. Geneva: United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA), 2003, 18.

denied access to medical facilities by being denied entry through a checkpoint.⁷⁰ Checkpoints and curfews also have a negative impact on maternal health and childbirths. In 2005, the United Nations Population Fund (UNFPA), United Nations Relief and Works Agency, and the World Health Organization reported to the UN General Assembly that between 2001 and mid-2005 they had recorded more than 70 cases of “women in labor who were delayed at checkpoints, resulting in unattended and risky roadside births, causing maternal as well as newborn deaths.”⁷¹ The checkpoint system and enforcement of identity card movement through a pass system creates highly dangerous situations that deny men, women, and children access to healthcare. Israeli scholar Hads Ziv concluded following research in the West Bank that, “The right to health of residents of the Occupied Territories is bound up with the right to freedom of movement, since this determines their access to healthcare.”⁷² The right to healthcare is an essential right for children, youth, and adults and is one that is not upheld by Israeli military actions and arguably is actively denied. The policies of the Israeli military authorities become increasingly troublesome during moments when access to health care is a life or death scenario, but security procedures prevent individuals from accessing vital health care.

Control of movement and the establishment of a two tiered system of justice have a devastating impact on the safety and development of children and youth. Israel’s policies of land reclamation and forced displacement actively undermine the safety and security of all Palestinians living within the West Bank. According to the Israeli Committee Against House Demolitions (ICAHD) in a report submitted to the UNHRC, since the occupation began in 1967

⁷⁰ Abu Zahra and Kay, 131.

⁷¹ United Nations General Assembly. *Israeli Practices Affecting the Human Rights of the Palestinian People in the Occupied Territory, Including East Jerusalem, Note by the Secretary-General*, August 18, 2005. UN Document A/60/271

⁷² Hadas Ziv, "A Legacy of Injustice: A Critique of Israeli Approaches to the Right to Health of Palestinians in the Occupied Territories," *Physicians for Human Rights Israel*, 37.

Israel has “demolished more than 28,000 Palestinian homes, businesses, livestock facilities and other structures vital to Palestinian life and livelihood in the Occupied Palestinian Territory.”⁷³

The right to adequate housing is enshrined in numerous international human rights laws including the Universal Declaration of Human Rights (Art. 25(1)); the International Covenant on Economic, Social and Cultural Rights of 1966 (Art.11); the International Covenant on Civil and Political Rights of 1966 (Art. 17); the International Convention on the Elimination of All Forms of Racial Discrimination of 1969 (Art. 5(e)(iii)); the Convention on the Rights of the Child of 1990 (Arts. 16, 27); and General Comments 4 (1991) and 7 (1997) of the UN Committee on Economic, Social and Cultural Rights.⁷⁴ ICAHD also posits that, “Israel’s policies and practices in the OPT may also constitute “inhuman acts” as defined in Article 7 (1)(d) of the Rome Statute of the International Criminal Court, as well as violation of the UN Convention on the Suppression and Punishment of the Crime of Apartheid of 1973.”⁷⁵

The right to adequate housing has been actively denied and policies contrary to it have been vigorously pursued by the Israeli Government, prior to the Oslo Peace Accords and after. For example, in 2012 a total of 600 Palestinian structures were demolished by the Israeli authorities, including at least 189 homes displacing 880 Palestinians with more than half of them being children.⁷⁶ These policies all took place in East Jerusalem and Area C (under total Israeli military control) in the West Bank. These policies are pursued by the Israeli military in accordance with “security” concerns, but many would argue they are grave infractions of international humanitarian law which amount to a policy of ethnic cleansing or displacement.

⁷³ Israeli Committee Against House Demolitions, "Israel's Policy of Demolishing Palestinian Homes Must End: A Submission to the UN Human Rights Council." Last modified March, 2012. Accessed <http://www.icahd.org/node/478>, 1.

⁷⁴ Ibid, 2.

⁷⁵ Ibid, 2.

⁷⁶ Ibid, 1.

The policies of home demolitions have been constant since the occupation began and are used as a major tool of the Israeli military during periods of unrest such as during the first and second Intifada. According to ICAHD, during these two periods between six and seven thousand homes were demolished and thousands of others were left uninhabitable.⁷⁷ The use of house demolition and land reclamation effectively makes hundreds of Palestinian children and youth homeless each year violating their rights to adequate housing enshrined in international humanitarian law.

The precedent and history of international norms and rights in regards to children and youth and their access to education, justice, health, and housing are extensive. Each of these policies has been related to the occupation policies in that two environments exist within the West Bank. One in which rights, movement, and security of Israeli children and youth are protected for Israeli civil and military authorities and another where Palestinian children and youth live in a world of insecurity, oppression, and are actively denied their rights in relation to international norms and laws. This two tiered system is reminiscent of the policies put in place under the apartheid regime given the implementation of the policies on ethnic or racial lines within a given territory, as well as the disproportionate negative impact these policies have had on the health and wellbeing of the oppressed group's children and youth.

Palestinian Non-Violent Youth Resistance

Nonviolent resistance in Palestine dates back to the early 20th century when strikes were used regularly such as the mass general strike in 1936 which is claimed to be one of the longest general strikes in human history. The first major instances of youth organization and resistance began with the first Intifada, which started roughly in 1987 and ended in 1993. Through popular

⁷⁷ Ibid, 2-3.

demonstrations at schools and throughout the OPT, by shutting down roads, spreading messages with graffiti, strikes, and other acts of nonviolence, youth actively engaged with the Israeli Military and Israeli Government in an effort to combat the oppression they faced as a result of the occupation.⁷⁸ The growth of youth resistance and efforts to highlight their oppression can be viewed within the broader rights based discussion from the previous section. Without international action to object or lead substantive changes in the Israeli policies in the OPT in light of numerous international law and norm violations, youth movements began to take matters into their own hands. They sought to express their frustration and seek change similar to the youth movements in the anti-apartheid struggle.

During this time period Palestinian youth became famous the world over as images of Palestinian youth facing down tanks with stones highlighted the power disparity between the youth resistance and the military authorities. The largely nonviolent youth resistance exhibited during the first Intifada changed drastically with the outbreak of the second or “Al Aqsa” Intifada in 2000 following Ariel Sharon’s infamous visit to the Al Aqsa mosque in Jerusalem. During this time scholar Thomas Ricks states that, “The Al-Aqsa Uprising, as it is popularly called among Palestinians, took the rock-throwing, tire-burning, and graffiti-writing school boys and girls out of the line of fire, and turned the major confrontations over to the al-Harakat al-Muqawama al-Islamiya, or the Islamic Resistance known as HAMAS, the Al-Aqsa Martyr’s Brigade, Al-Qassem Brigade, the Fatah Hawks, Fatah’s Tansim, and Islamic Jihad.”⁷⁹ This period was a grave setback for nonviolent youth resistance in the OPT because the nonviolent

⁷⁸ Thomas Ricks, "In Their Own Voices: Palestinian High School Girls and Their Memories of the Intifadas and Nonviolent Resistance to Israeli Occupation, 1987 to 2004," *NWSA Journal*, 18, no. 3 (Fall 2006), 88-103.

⁷⁹ Thomas Ricks, 94

image of prior efforts of resistance was overshadowed by reports of youth suicide bombers and the widespread use of violence from 2000 until 2006 by many Palestinian groups.

Palestinian expert Julie Norman comments on the history and strategies employed by nonviolent actors in the OPT stating, “Acts of protest and persuasion (such as marches, demonstrations, and vigils), noncooperation (such as boycotts and strikes), and direct intervention (including civil disobedience) are some of the most visible nonviolent tactics in Palestine.”⁸⁰ The use of these methods has been pervasive by youth and adult civil society organizations throughout the past few decades of Palestinian resistance including during the early 2000s. Many attempt to obscure the use of nonviolent methods by Palestinian organizations by arguing that nonviolence is not consistent with cultural and religious values of Palestinians. This claim is most often aimed at Muslims because of the salience of violent Islamic organizations such as HAMAS. However, scholar Abu-Nimer asserts that to understand the compatibility of Islam and principles of nonviolence, “We have first to dispel the myth that nonviolence is a form of surrender in which the victim waits to be slaughtered and accepts such a fate ... Nonviolence is about active rejection of violence and full engagement in resisting oppression through plausible means that challenge domination and any other form of injustice, without inflicting injuries on the opponent.”⁸¹ Using the same logic as Sharp, Abu-Nimer highlights the active and goal oriented nature of nonviolent action to combat notions that nonviolence is a passive method of resistance. Abu-Nimer points out that the compatibility between nonviolence and Islamic values and beliefs can be seen in instructions to the faithful, “to

⁸⁰ Julie Norman, “Introduction: Nonviolent Resistance in the Second Intifada,” in *Nonviolent Resistance in the Second Intifada Activism and Advocacy*, ed. Julie Norman and Maia Carter Hallward (New York: Palgrave Macmillan, 2011), 4.

⁸¹ Mohammed Abu-Miner, “Nonviolence in the Islamic Context,” Common Ground News Service, January 1, 2000, <http://www.commongroundnews.org/article.php?id=2095&lan=en&sid=0&sp=0&isNew=>.

resist injustice and oppression, to pursue justice and ‘sabr’ (patience) to protect the sacredness of human dignity, and to be willing to sacrifice their lives for this cause. To fulfill and follow such values, the Islamic approach to nonviolence can only be based on active rejection and resistance to ‘zulm’ (aggression) and injustice.”⁸² Recognizing the potential convergence of secular notions of nonviolent resistance with Islamic conceptualizations of nonviolence is important for Palestinian youth in attempting to spread and organize around notions of nonviolence.

Amidst the first Intifada, Gene Sharp visited the OPT and wrote outlining methods that he believed would be effective in creating a non-violent strategy within the OPT. He stated that,

“Since nonviolent struggle wields significant power in conflicts if applied courageously and skillfully, it is likely to be met with serious repression by the opponents. That response is recognition of its power, not a reason for abandoning it. In fact, the brutalities of repression against nonviolent resisters trigger a process of “political juijitsu,” which increases the resistance, sows problems in the opponents’ own camp, and mobilizes third parties in favor of the nonviolent resisters.”⁸³

Just like in South Africa the goal of the youth resistance movement must be to create this “political juijitsu” where actions of civil disobedience and nonviolent resistance expose the violent repression used by Israeli authorities to suppress the resistance. This was essential in South Africa in that the world watched as peaceful protesters were attacked with water cannons, tear gas, dogs, and live ammunition fire. This “juijitsu effect” was arguably created during the first Intifada because of the attention given to the power disparity through provocative imagery and stories of Palestinian youth being taken on by heavily armed Israeli military in tanks and armored vehicles. However, the resistance has been fragmented and repressed for numerous

⁸² Ibid.

⁸³ Gene Sharp, "The Intifadah and the Nonviolent Struggle," *Journal of Palestine Studies*, 19, no. 1 (Autumn 1989), 5.

reasons including the difficulty in organizing and leading nonviolent actions in the West Bank because of the lack of freedom in mobility and security measures currently in place.

Another troubling aspect of youth resistance today in the OPT is the use of violent methods of resistance that have become increasingly common since the HAMAS takeover of the Gaza Strip in 2006. The subsequent outbursts of violence and the rise of HAMAS, has drawn significant attention away from efforts to resist the occupation through nonviolent means. Gene Sharp warned of the disastrous impact of the mixing of nonviolent and violent tactics stating, “If in nonviolent struggle, 15 percent of the resisting population decide that they will not continue to struggle by use of that technique and abide by its requirement of nonviolent persistence and discipline, but will instead use guns and bombs, the results can be catastrophic for the whole cause.”⁸⁴ This being said, throughout the second Intifada and up until today nonviolent resistance in the form of direct actions, noncooperation, and intervention continue to occur regularly in the West Bank. In response to the construction of the separation wall since 2002 there has been a growing focus of nonviolent resistance focused directly at protesting the route of the wall and the damage it has caused to villages and communities that it runs through. Julie Norman states that,

“First, direct action campaigns—acts of protest and persuasion, boycotts, and civil disobedience—have emerged in numerous villages, usually led by local popular committees. While these campaigns typically have transpired in response to the construction of the separation barrier, which cuts off many rural communities from the land and/or water sources on which they depend for their livelihoods, they have come to constitute a nexus of resistance to the occupation itself. For example, the village of Bil’in, located 12 kilometers west of Ramallah, has been holding weekly demonstrations against

⁸⁴ Ibid, 5.

the wall and the occupation since January 2005, and has served as a gathering place for activists and a model for other village campaigns.”⁸⁵

These nonviolent campaigns have been used along the separation wall in numerous villages and have been supported by Palestinian civil society groups, village committees, Palestinian youth, and international activists. The nonviolent resistance that Bil’in has undertaken since the building of the separation wall cut the community off from their land was recently chronicled in the Oscar nominated documentary, “Five Broken Cameras.” As Norman states, through weekly protests the community has used protests, and intervention to draw media attention to the injustice of the separation wall. In addition, the community of Bil’in has pursued a legal struggle against the wall challenging the separation wall in Israeli courts.⁸⁶ Protests and nonviolent action have remained localized to communities such as Bil’in over the past few years. Unlike in other countries across the region during the spring of 2011 and subsequent months there were no major instances of mass demonstrations throughout the OPT like those in Egypt and Tunisia.

Since the outbreak of the second Intifada and the rise of HAMAS, the nonviolent resistance has in many ways been overshadowed. But this period has also highlighted that the youth resistance movement and nonviolent actions in the West Bank will take on a unique form because of the context and constraints of the security apparatus. Norman states that, “In the case of Palestine-Israel in particular, familiar methods such as strikes, sit-ins, and demonstrations are not always feasible or effective, requiring different types of efforts from different actors.”⁸⁷ Nevertheless, rather than throwing out nonviolent resistance as a strategy Norman states, “However, we broaden our definition of nonviolence with caution, suggesting that expanding the

⁸⁵ Julie Norman, 6.

⁸⁶ Burnat, Emad, & Davidi, Guy, "Five Broken Cameras." 2012. DVD.

⁸⁷ Julie Norman, 3.

sphere of nonviolent methods demands being more attentive to the complexities that exist within the theory and practice of nonviolence.”⁸⁸ To do this necessitates creative thinking and a potential expansion of what is deemed possible within the Palestinian context. Scholar Timothy Seidel argues that this expansion of nonviolent actions that can be pursued to include legal action both domestic and international, political advocacy and democratic engagement, education and awareness raising, theological reflection, and the boycott, divestment, and sanction initiatives.⁸⁹

The BDS movement or Boycott, Divestment, and Sanction movement has been a tactic that has developed since the early 2000s in an attempt to use a similar path that was used by anti-apartheid activists to influence the apartheid government through economic and diplomatic levers. This movement has a multitude of positions and goals depending on the organization or group that is pursuing the strategy. However, generally the goal of the movement is to isolate companies and institutions that support and promote the occupation as well as the state of Israel itself.⁹⁰ Media attention to the BDS movement has grown considerably as groups across the world have come to support the calls to isolate the forces that support the occupation in the OPT such as church groups, universities, labor unions, and other organizations with political or economic tools that can be used to boycott, or divest from the occupation. The BDS movement remains in its infancy and the strategies and methods used are continuing to evolve, but the potential to use nonviolent tactics such as these are clearly reminiscent of the policies used by the anti-apartheid youth movement in South Africa.

⁸⁸ Ibid, 3.

⁸⁹ Timothy Seidel, “Development as Peacebuilding and Resistance: Alternative Narratives of Nonviolence in Palestine-Israel,” in *Nonviolent Resistance in the Second Intifada Activism and Advocacy*, ed. Julie Norman and Maia Carter Hallward (New York: Palgrave Macmillan, 2011), 36.

⁹⁰ Abigail B. Bakan, and Yasmeen Abu-Laban, “Palestinian Resistance and International Solidarity: the BDS Campaign,” *Race and Class*, 51, no. 1 (2009): 29-54.

Following the beginning of the first Intifada Gene Sharp outlined 6 goals of the nonviolent resistance movement that remain applicable today. They included; developing parallel social and economic and political institutions, mobilizing Palestinian nonviolent resistance to make the territories “unrulable”, splitting Israeli public opinion on the issues of the occupation and recognition of support for an independent Palestinian state, contributing to the split of the Israeli political establishment, contributing to the split between the Israeli and US Governments concerning the “problem of the Palestinians”, and to encourage world public opinion and diplomatic efforts to help settle the conflict and assist in establishing “de jure Palestinian independence.”⁹¹ These strategies provide a roadmap and set of goals that could be used as a benchmark for crafting strategy and determining the effectiveness of strategies currently in place by nonviolent youth movements. Two of the most important strategies in this list are the hopes to change Israeli public opinion and the relationship between the United States and the Israeli Government. Impacting the opinions of the white minority in South Africa as well as the American Government was important in the South African context in bringing the apartheid government to the negotiating table and creating a negotiated end to the apartheid system. Regaining moral high ground appears to be essential for the Palestinian nonviolent youth movement if the movement will be able to achieve any tangible gains through negotiations or some other potential resolution to the current situation.

Today the youth resistance movement and nonviolent tactics are active in the West Bank in opposing the occupation; however, their international attention is often overshadowed by violent factions of Palestinian society. Changing the perception of the resistance, increasing the salience of nonviolent resistance, or co-opting violent actors in the process would be essential to

⁹¹ Gene Sharp, (1989), 6.

combat the occupation nonviolently if Gene Sharp's theoretical analysis of nonviolent strategy is to be effective in the OPT. There are lessons to be learned from the anti-apartheid struggle that can be applied to the OPT and many of the strategies already have been attempted by youth activists such as the BDS campaign, demonstrations, noncooperation, and interventions. What remains to be seen is whether or not the scale of the resistance can be achieved as it was in South Africa. Undoubtedly it will never achieve the same size in real numbers because the black South African population was sizably larger than the current population of Palestinians living in the OPT and the Palestinian Refugee Diaspora. However, a proportionate scale could be achieved that would as Gene Sharp argues, could make the OPT "unrulable"⁹² by the Israeli authorities like what youth activists achieved in South Africa. Whether or not this can be achieved remains to be seen, however, there are signs that the nonviolent resistance both within the OPT and internationally is gaining support, most notably through the BDS campaign. Although the goals of the anti-apartheid resistance and the Palestinian resistance are clearly different, what the apartheid struggle shows is the potential for a youth based nonviolent movement to have a serious impact in changing the power dynamics within an oppressive system.

Conclusion

The anti-apartheid movement remains one of the largest and most successful nonviolent resistance movements in human history. Through a systematic use of extensive nonviolent tactics such as mass demonstrations, economic and political noncooperation, and direct intervention the anti-apartheid movement was able to negotiate the downfall of the apartheid regime. Groups and peoples seeking to overcome systematic oppression within asymmetric power dynamics similar to that of apartheid South Africa often cite the methods and goals of the

⁹² Ibid.

anti-apartheid movement in achieving their individual goals. In the case of the current situation in the OPT specifically in the West Bank there is a strong case that there is much to be learned from the anti-apartheid youth movement, and also that the discourse of apartheid is appropriate in discussing the conditions currently in place in this territory. Through a legal, political, social, and economic analysis it becomes clear that many of the policies in both contexts put in place by each dominant regime had the similar aims of systematic domination, control, and oppression through an array of government policies and laws. Therefore, it is legitimate for activists to invoke the terminology and comparison to apartheid in South Africa. Although the two cases are not mirror images of one another when the policies and implications are explored it becomes clear that the mechanisms in place in the OPT are deplorable in the face of international humanitarian law and norms just as apartheid in South Africa was.

Highlighting the evolution in legal frameworks specifically in regards to children and youth such as the UN Convention on the Rights of Children and the Apartheid Convention of 1973, there is a compelling case for youth activists today in the OPT and internationally to invoke these rights as the potential basis for spurring social justice and change. Although these norms and provisions have not been enforced by the international community the infringement and disregard for international law by the Israeli Government is becoming increasingly clear. As shown in reports such as the Advisory Opinion of the ICJ in 2004 in regards to the separation wall and the report highlighted earlier in this paper on the status of justice for children and youth living in the West Bank.

With little movement in the international community or at the UN to enforce these rulings and international humanitarian law the hope for a solution based solely on international law remains elusive in the Palestinian context. A similar situation occurred in South Africa under the

apartheid regime, but nonviolent youth movements helped to highlight the oppression to the international community and inflict damage upon the regime through mass demonstrations, civil disobedience, and economic boycotts. This work was eventually successful in ushering in a new era in South Africa marked by democracy and a constitution that recognized equality for all races before the law. The situation in South Africa provides hope and a framework for youth in the OPT to mount a successful nonviolent resistance campaign in the OPT today. However, by analyzing the history and current status of the youth resistance movements it becomes clear that there are numerous impediments to the success of a campaign of this sort currently in the OPT. The nonviolent youth resistance remains localized, disenfranchised, and overshadowed by groups that use violence such as HAMAS. Faced with these challenges the youth resistance has looked internationally for support through the BDS campaign. Although the BDS campaign seeks to draw on the history of BDS against the apartheid regime, the movement remains in its infancy and has received criticism from ardent Palestinian rights supporters domestically and internationally. Whether or not the situation in the OPT will play out like the anti-apartheid movement in South Africa remains to be seen, but just as it took decades to overcome apartheid, we can only wait to see if through nonviolent resistance both Palestinians and Israelis can obtain justice, freedom, human rights, and self-determination in accordance with international law.