At the end of May 2011 Global Policy Forum associate Harpreet Paul interviewed UN Special Rapporteur Richard Falk. Falk is an international law and international relations scholar who taught at Princeton University for forty years. Since 2002 he has lived in Santa Barbara, California, and taught at the local campus of the University of California in Global and International Studies and since 2005 chaired the Board of the Nuclear Age Peace Foundation.

In 2001 Falk served on a United Nations (UN) High Commissioner for Human Rights Inquiry Commission for the Palestinian territories with John Dugard, who was then the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

In 2008, Falk replaced John Dugard as the Special Rapporteur and has been outspoken in his criticism of Israeli policy in Gaza, the West Bank and the occupied territories. He has called for sustainable peace that realizes the rights of all Palestinians, and is broader and deeper than ending the occupation or establishing a Palestinian state.

The interview is split into four sections. In Part 1 Falk provides a brief historical outline of the Israel/Palestine conflict, suggests that the situation in the Palestinian occupied territories is similar to apartheid South Africa and discusses his relationship, as UN Special Rapporteur, with the state of Israel.

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**Part 1: Background**

**Harpreet Paul:** I am speaking with Richard Falk. Richard, can we go back to the beginning of the conflict between Israel and Palestine. Would you be able to provide a brief historical context of the current conflict - particularly from the end of the British mandate in the region and the United Nations’ role there since 1948?

**Richard Falk:** Yes. Of course it’s a complicated story and in some ways it really needs to go back further than that to the idea of a Jewish homeland that came out of the Balfour declaration at the end of World War One - which was a pure colonialist decision that the British government would lend their support to the idea of a Jewish homeland and a Jewish homeland that was supposed to be established in a manner that wouldn’t disturb the situation of the people living in historic Palestine. It was after the First World War that the British became the mandatory power and administered the territory over that period of time with a growing population of Jewish immigrants that gradually became a significant minority in the Palestinian area under mandatory control. There emerged a growing effort by that minority to get rid of the British mandated presence. After World War Two and the holocaust, there was a strong push in Europe and the international community to, one might say, overcome the failures of the liberal democracies to do more to stop Hitler’s genocidal policy toward the Jewish people in Europe. To some extent it inhibited what might be described as a just solution to the future of Palestine right then at the end of World War Two. There was the tragedy of the Jewish people but the way to deal with that was not to create a tragedy for the Palestinian people. So, what has transpired historically is that one tragedy has been superseded by a second tragedy.

The UN decided to partition the former mandate that the British no longer wanted to administer and they gave, at the time, 55% of the historic territory to the insipient Jewish nation and 45% to the Palestinian nation. This
seemed unfair and unacceptable at the time to the Palestinians and Arabs. It was another decision made by a Euro-centric world that never bothered to consult the people that were supposed to be subjected to that decision. Even though - as the history has evolved since 1948 - the Palestinians would be very happy to accept the partition that was then provided, because over time Israel has taken more and more of the land that was originally allotted to the Palestinians. After the 1967 war it [Israel] has occupied the entire historic Palestine. Before the 1967 war and after the 1948 war (which was the so-called 'War of Independence') Israel occupied 78% of the land. Instead of the 55% that the UN had given to the Jewish homeland, it now had 78%. It is a remarkable Palestinian acquiescence in that reality (which I think exhibited the PLO [Palestine Liberation Organization] and the Palestinian National Council’s interest in a peaceful resolution of the conflict) that in 1988 they accepted the idea of two states - the Palestinian state being the remaining 22% of the historic Palestinian mandate. Ever since 1988 there have been a complex series of international developments but the essential development, I believe, has been the encroachment of Israel on that 22% through the settlement expansion, through demographic changes in East Jerusalem and through the building of the unlawful wall within occupied Palestinian territories and an elaborate road system. Some have estimated as much as 40% of the remaining 22% is no longer under Palestinian authority. So one has a historic evolution of the conflict which has one essential feature, that is, the longer it goes on the lower the expectations are for the Palestinian realization of any kind of just allocation of historic Palestine and that applies not only to the West Bank but also to the city of Jerusalem. The other reality that I think is historically very important is that it is almost unprecedented that a people would live under a harsh occupation for this length of time (ever since 1967, which is now 44 years). And, for a refugee population of almost five million to be in that kind of situation for a period that is more than 63 years is more than extraordinary for what that means in terms of life experience. Just to be in a refugee camp for a few days is something that is very hard to endure. But to do that for generation after generation is quite extraordinary. I think people just don’t realize that by just recounting the numbers and having a statistical realization of how prolonged this occupation and refugee reality has been.

Harpreet Paul: John Dugard has likened the situation in Palestine to apartheid. Could you speak a little more about the situation there?

Richard Falk: Yes, I would say that it’s very analogous to apartheid and in a certain way more so in the West Bank than in Gaza. In Gaza there is a unified internal Palestinian authority. In the West Bank there are really two legal systems being applied – one for the settlers and one for the occupied Palestinian people. The settlers enjoy all the protections of the law and order of Israel and the occupied Palestinians are essentially without rights and subject to military administration. Then you have the road network (that has been created in relation to the settlements) for Israeli’s only and which is definitely a dual standard and the use of security controls where settlers are controlled in a moderate and gentle way, despite their recourse to violence against the occupied people. Whereas, lethal security measures are routinely used by the Israeli armed forces and security forces at the checkpoints. In all respects there is a dual order maintained in the West Bank that is completely analogous to the kind of duality one found in apartheid South Africa. It should be underscored that according to the Rome Statute (which set up the International Criminal Court) apartheid is a crime that does not depend on establishing a resemblance to what existed in racist South Africa. It is essentially a discriminatory system of dual law and a dual political regulatory system that privileges one part of the society and is punitive toward the other.

Harpreet Paul: What has been your personal relationship with the Israeli authorities as the UN Special Rapporteur?

Richard Falk: I would hardly describe it as perfect. At the end of 2008, when I attempted to carry out a mission to the West Bank and East Jerusalem and Gaza, I was detained at the airport and then expelled and have not been permitted to enter the occupied territories, despite repeated attempts to do so. Now that the Egyptian border is open at Rafah it will probably be possible for me to visit Gaza at least. I tried to do that last month [April, 2011] but at that time the UN said it was too insecure in Gaza and wouldn’t let me continue from Cairo to Gaza. But, I’m hopeful in the coming months.