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## *Israel Wants Either an Apartheid State or an Ethnic Cleansing Process, Both Crimes Under International Law*

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**[Article Body:]**

On October 30, 2023, Israeli authorities [said](#) that they had killed “dozens” of Hamas fighters in the first days of their ground invasion. Meanwhile, Gaza’s Ministry of Health has struggled to keep its [website](#) online given the lack of electricity, internet, and attacks. Nonetheless, at noon on October 29, the Ministry of Health [said](#) that the death toll in Gaza is now 8,005 (of which 67 percent are women and children). For those who doubt the numbers, the Ministry of Health has been [releasing](#) lists of the dead with their *Israeli* identification numbers (it is a sign of the occupation of the Palestinians of Gaza that when

they are born, they must be [registered](#) not by the Palestinian Authority but by Israel). Save the Children [says](#) that more children (3,195) have been killed by Israeli bombing over these three weeks than have been killed in total across all conflict zones since 2019.

The UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) [said](#) that by Sunday the 29th, 1.4 million Palestinians out of 2.3 million were internally displaced, with 671,000 taking shelter in 150 UNRWA facilities. Most of the dead by Israeli bombs and tank shells have been civilians. The ratio of dead between combatants (few) and civilians (many) is startling, far beyond what takes place in a war (in contrast, of the 1,400 Israelis [killed](#) on October 7 by Hamas and other factions, 48.4 percent were soldiers). By saying that they have killed “dozens” of Hamas militants—the purported target—and having at the same time killed thousands of Palestinians, the Israeli authorities have admitted to the world that their war has resulted in far more civilian deaths than combatant deaths.

Meanwhile, the Israeli military has sent its bulldozers to destroy homes and businesses in northern Gaza as well as in the West Bank city of Jenin. Little in this maneuver looks like a military operation since these homes and businesses are not military institutions. Given the [history](#) of the bulldozing of housing in the West Bank to create settlements and the “[apartheid wall](#),” this bulldozing in Gaza and Jenin appears like a massive civilizational campaign of ethnic cleansing to create what the Israeli political class [calls](#) Greater Israel (*Eretz Yisrael Hashlema*). The Israeli political class is famous for [saying](#) that they want to change the “facts on the ground” so that any negotiations with the occupied Palestinians are based on those “facts” and not on “claims.” This is what Israeli Prime Minister Benjamin Netanyahu has been [doing](#) for decades through [illegal](#) settlements in the West Bank: erasing the fact of Palestinian claims on their land and establishing the right of Israelis to the entire landmass from the Jordan River to the Mediterranean Sea. Effectively, the Israeli political class appears to be using the conflict that began on October 7 as the pretext to do what it had planned to do for decades, namely, to erase Palestinians from historical Palestine and to erase the Palestinian nation as an entity.

### **Two-State, One-State, Three-State**

When Palestinian political forces agreed to a “peace process” that resulted in the Cairo Interim Agreement (1994) and the Oslo Accords (1994), it adopted what was known as the “two-state solution” to the Israeli occupation of Palestine. The basic outline of the Oslo Accords was that a Palestinian Authority (PA) would govern the territory seized by Israel in 1967 (East Jerusalem, Gaza, and the West Bank). The Oslo Accords, [argued](#) Gaza-

based Professor Haider Eid, created a “Bantustan” (such as the “African homelands” created by apartheid South Africa). The implication of the establishment of the PA was that it would neuter actual Palestinian claims to the land (including the right of return of Palestinian refugees, [established](#) by UN resolution 194 in 1948), and—at the same time—it would allow the Israeli state to change the “facts on the ground” by the creation of more and more illegal settlements. Furthermore, after the Second Intifada (2000-2005), Israel [cut off](#) the “safe passage” requirement of Oslo that allowed Palestinians in East Jerusalem, Gaza, and the West Bank to travel across these zones. By 2005, Israel had annulled the Oslo Accords, although the Palestinian political class remained bound by them as the only sliver of hope for the establishment of the state of Palestine (even if it would be a small fragment of historical Palestine).

The reality of the “two-state solution” disappeared as the settlements increased in the West Bank, as Palestinian control over East Jerusalem was increasingly absorbed by Israel, as the right to return was set aside, and as Gaza was bombed almost every year. In that context, several important Palestinian intellectuals [began](#) to raise the question of the “one-state solution,” with one Israeli-Palestinian state based on a non-ethnic, secular, and democratic idea of citizenship. By 2021, a majority of scholars of the region [said](#) that the actual facts show Israel to be “a one-state reality akin to apartheid.” The idea that Israel is an apartheid state is now well-established in United Nations [documents](#) and human rights [reports](#). This assessment demonstrates two things: first, that Israel and the Occupied Palestinian Territory are already “one state” and second, that it is an apartheid state with the Palestinians in a second-class category. Advocates of the “one-state solution” argue that the reality of a singular state now requires equal citizenship for all who live in Israel/Palestine. The current Israeli political class refuses to accept the idea of a democratic and secular one-state, because they are wedded to an [ethno-nationalist project](#) of a “Jewish State” that erases the possibility of full citizenship for Palestinian Christians and Muslims.

If the “two-state solution” is no longer practical and if the “one-state solution” is blocked by the Israeli political class, then all that remains for Netanyahu and others is the “three-state solution.” This is the solution that seeks to remove large parts of the Palestinian population from East Jerusalem, Gaza, the West Bank, and perhaps even from within Israel’s 1948 lines and send them to the three states of Egypt, Jordan, and Lebanon. The bulldozers coming behind the tanks in Gaza are attempting to push the Palestinian refugees (70 percent of them are descendants of those sent to Gaza in the Nakba or

Catastrophe of 1948) through the Rafah Crossing into Egypt's Sinai Peninsula. This "three-state solution" is precisely ethnic cleansing, a [crime](#) under international law. For decades, the Israeli political class has been willing to conduct genocidal policies—including this bombardment of Gaza—to facilitate its ethno-national, apartheid state project that requires the erasure of Palestinians and Palestine.

In 2014, in the aftermath of Israel's Operation Protective Edge, the Office of the Prosecutor of the International Criminal Court (ICC) [opened](#) an investigation into the situation in Palestine. Nothing much came of this investigation. During this current attack on Gaza, the prosecutor Karim A. A. Khan went to the Rafah Crossing and [said](#) that Israel's blockade of humanitarian aid into Gaza may be a crime under ICC jurisdiction. Indeed, the fact of apartheid is already a crime under the 2002 Rome Statute that created the ICC. Both the "one-state reality akin to apartheid" and the "three-state solution" of ethnic cleansing are serious crimes that require investigation. Will Khan ask the judges of the ICC to frame arrest warrants against Israeli Prime Minister Benjamin Netanyahu and his colleagues?