

When winning is losing

How the 1967 War changed Palestine and Israel, writes **Ramzy Baroud**

ON THE morning of June 5, 1967, the entire Egyptian air force was destroyed, its whole fleet still sitting on the tarmac. Within the next 24 hours, the air forces of Jordan and Syria were also pounded.

By June 7, Jordan had ceded Jerusalem, and the rest of the West Bank. By June 10, Israel had captured the Gaza Strip and the entire Sinai Peninsula, from the Suez Canal down to Sharm-el-Sheikh.

Syria was forced to concede its strategically and economically prized Golan Heights.

Thanks to American and Western support, Israel soundly defeated the Arabs. Within days, Israel had occupied three times more territories than it did post-1948, if not even more.

While Palestinians experienced another Nakba (catastrophe) through Israel's occupation of the West Bank, Gaza and East Jerusalem, Israel celebrated its "liberation" of Jerusalem, and the redeeming of biblical "Judea and Samaria". There is, however, nothing "liberating" about the occupation of Palestinian land and life.

In Israel, and around the world, Jewish nationalism took on a new meaning. Israel's "Invincible Army" was born, and even cynical Jews began to view Israel differently, a victorious state, maybe once an impulsive colonial gambit, but now a regional, if not international, force to be reckoned with.

So much had abruptly changed during those short, but painful days of war.

The existing refugee problem was now exacerbated and compounded by the war and the creation of 400 000 new refugees.

The international response to the war was not promising. The United Nations Security Council adopted Resolution 242, on November 22, 1967, reflecting the Johnson administration's wish to capitalise on the new status quo, suggesting Israeli withdrawal "from occupied territories" in exchange for normalisation with Israel.

The rest is history, and an agonising one. Israel entrenched its occupation; built hundreds of illegal settlements and is yet to implement a single UN resolution pertaining to the occupation, or previous violations.

The Washington-led consensus on Palestine perceives no other solution to the conflict but the two-state solution; it deems armed resistance as a form of terrorism; and it sees the Right



A Palestinian protester reacts during clashes with Israeli troops near the border between Israel and Central Gaza Strip last Friday. This week marks the 50th anniversary of the Six Day War which dramatically changed the landscape of Palestine and Israel.

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A revolution is building in South Africa

Imraan Buccus

COMMENT

A REVOLUTION seems to be building in South Africa.

As inequality and developmental deficits persist, South Africans are standing up and demanding social justice. The "rebellion of the poor" has most often emerged from the informal settlement. But since the beginning of regular protests from informal settlements, protests have also spread to the mines and to university campuses.

But the informal settlements have been more or less constant sites of struggle. There is no doubt that shack-dwellers have often been given the short end of the stick in their attempt to carve out an existence on the fringes of the cities. Despite this, one often hears middle-class citizens talking about how frustrated they are "with these people constantly protesting". The poor are often spoken about in truly derogatory ways. The middle-class often express prejudices that sound like they come straight from the colonial script.

Durban is the one city where the protests by informal settlement dwellers have led to the formation of a sustained mass-based movement. Abahlali base-Mjondolo is now more than a decade old and has tens of thousands of members. The movement has weathered serious repression, including assassinations and sophisticated propaganda projects. It has been in and

out of the courts, often winning significant victories, and has organised numerous street protests, land occupations and large rallies in football stadiums, like Currie's Fountain.

Last Monday matters came to a head when residents of the Foreman Road informal settlement in Clare Estate organised a road blockade. After the blockade police attacked the settlement with rubber bullets and teargas. In the resulting mayhem a two-week-old baby, Jayden Khoza, died – seemingly from inhaling teargas. Residents then marched to the local police station, with the body of the baby to demand justice. This was a truly horrific day in our city, one that really dramatised the extent of the crisis of inequality.

This tragedy should never have happened. If the city authorities were willing to engage with residents of informal settlements, and work hard to solve their most urgent problems, there would have been no need for the protest. If our police were properly trained in human rights-based policing, teargas would never have been thrown into a place where families live.

If this tragedy had happened in the US, South Africans would be taking to social media in their thousands to express their outrage. If it had happened in Palestine, protests would have been organised outside the Israeli embassy. But as a society we place very little value on the lives of poor black people. In fact there is a very long list of poor black people who have been killed by the police in protests in recent years. This list is in the public domain but outside of a few activist circles it is not generally noticed



Nosibusiso Totsholo washes a pot at the Foreman Road informal settlement in Clare Estate. Last Monday, 2-week-old baby Jayden Khoza died after police fired teargas into the settlement during a protest. The author argues that poverty stricken communities should not be criminalised for demanding basic needs.

PICTURE: ZANELE ZULU

very much, let alone considered as what it is – a deep crisis.

South Africa is a largely urban country and is becoming rapidly more urbanised. For most people, cities are sites of opportunity. The apartheid state could not stop urbanisation and the post-apartheid state will not be able to stop it either. It is a global feature of modern life and something that governments should support rather than try

to repress. The state has failed to manage this process in an effective and human rights-based manner.

Poor people's basic life strategies have been criminalised and their organisations have also been criminalised. It is time to open our cities, to allocate land on the basis of social need rather than profit and to accept that poor people's organisations should, just like the residents'

organisations that represent middle-class people, be able to participate in all governance structures. If we remain on the path of criminalising poverty, the only outcome will be more social discontent, more protests and, at the end of the day, more violence.

Some of the cruder voices in the student movement, and the broader public conversation, have argued that decolonisation

is simply a matter of overcoming white domination. But as the tragedy on this past Monday shows this is a necessary but not a sufficient condition for decolonisation. A largely black state, sent a largely black police force to attack a largely black community with the result that a black child was killed. If we want to build a society that is genuinely centred around human rights and social justice we need to achieve a revolution in values. A genuinely progressive state would aim to support poor people – not repress them.

At the moment we are governed by a rapacious kleptocratic regime that speaks a radical language to disguise its perfidy. Putting an end to wholesale looting is absolutely urgent. But it is not enough. We also need a genuine commitment to social justice and human rights.

We need to build a society in which people will have no need to block roads in protest because government officials are always available to address issues that may arise. We need to build a society in which it would be unthinkable that the police would hurl a teargas canister into a community in which families were going about their every day business. We need to build a democratic and socialist future.

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Divorced or getting divorced? Read the child care and contact Q&A below

KATE OOSTHUIZEN, PARTNER, CHILD & FAMILY LAW DEPARTMENT

I am getting divorced. Who will get care of my children?

Traditionally, care of the children was awarded to the mother, unless there were extraordinary factors dictating otherwise. Parental roles have changed, however, and in certain circumstances, the law recognises that parties have co-parental rights and responsibilities.

Generally, the arrangements that are made in respect of care and contact will depend on whether or not you and your former spouse can reach agreement, and then whether or not the court approves the arrangement. If the parents are not able to agree, the court will then have to make the final decision with a view to the best interests of the children.

What is a parenting plan?

The Children's Act, 38 of 2005 states that "the co-holders of parental responsibilities and rights in respect of a child may agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child. If the co-holders of parental responsibilities and rights in respect of a child are experiencing difficulties in exercising their responsibilities and rights, those persons, before seeking the intervention of a court, must first seek to agree on a parenting plan determining the exercise of their respective responsibilities and rights in respect of the child."

The parenting plan will contain a clause setting out the residence of the child and the reasonable contact that the parent of alternate residence shall have with the child during term time and school holidays, taking into account the child's social, school and extra-mural activities.

The Act further states that when preparing a parenting plan, the parties may seek the assistance of a suitably qualified person. The court will still need to ratify a parenting plan, and it will do so with the best interests of the child/children in mind.

Parenting plans do not only concern care. A parenting plan may determine any matter in connection with parental responsibilities and rights, including where and with whom the child is to live, the maintenance of the child, contact between the child and any of the parties/any other person, and the education and religious upbringing of the child.

If co-holders of parental rights cannot agree on a parenting plan, then the matter will need to be decided by the court. The court, however, does not look favourably upon co-holders who do not make every attempt to reach an agreement out of court first, hence the Act refers to seeking the assistance of a family advocate, social worker or psychologist, or mediation.

What recourse do I have if I am denied contact to my child/children?

If the other parent/guardian denies you contact to your child/children in accordance with the Children's Act, or if any other right in the Children's Act has been infringed or threatened, you can approach a competent court for the appropriate relief, including a declaration of rights.

Any one of the following persons, with good cause, may approach a court on this basis:

- A child who is affected by or involved in the matter to be adjudicated;
- Anyone acting in the interest of the child or on behalf of another person who cannot act in their own name;
- Anyone acting as a member of, or in the interest of, a group or class of persons; and
- Anyone acting in the public interest.

What happens if my ex and I share care, but he/she removes my child from my care without my consent?

If you and your ex share care, but he/she removes your child from your care without your consent, there are a few options which you can consider. One is approaching the South African Police Service, and another is lodging an (urgent) application in court. That being said, the correct course of action is often dependent on the facts of each situation and the severity of the matter.

South Africa is a signatory to The Hague Convention, which provides that if a parent removes a child from his/her habitual place of residence to another country without the other parent's consent (where such consent is required), then the country to which the child has been removed must immediately return that child to his/her country of habitual residence. This is only applicable in circumstances where both countries are signatories to The Hague Convention. One of the few exceptions to this rule, however, is that if a child has become settled in his/her environment, then the court is not obliged to return the child.

For any queries on the above, contact Kate Oosthuizen, Partner in the Child & Family Law department of Shepstone & Wylie Attorneys on 031 575 7542 or e-mail kooosthuizen@wyllie.co.za