



The Graduate Institute of International Studies

"Histories of Occupation: Comparing Processes and Outcomes in the Cases of the Cherokee and Palestinian Nations"

By Amal Jadou

Supervisor: Prof. Roger Heacock

THS
DS
117
.J33
2001
81274
.MIVERSTY LIBRAY

"Histories of Occupation: Comparing Processes and Outcomes in the Cases of the Cherokee and Palestinian Nations"

By Amal Jadou

Student Number: 975044

Date of Discussion: June 27th, 2001

Supervisor: Prof. Roger Heacock

Discussion Committee:

Dr. Helga Baumgarten

Dr. Martin Beck

Submitted in partial fulfillment of the requirements for the Master Degree in International Studies from the Graduate Faculty at Birzeit University, Palestine.

"Histories of Occupation: Comparing Processes and Outcomes in the Cases of the Cherokee and Palestinian Nations"

By Amal Jadou

Date of Discussion: June 27th, 2001

Discussion Committee:

- Dr. Helga Baumgarten / Helga Baumgarten

- Dr. Martin Beck Martin Beck

To Aida Refugee Camp in Bethlehem and to Pine Ridge Reservation in South Dakota for Continuing to be the Bells that Ring Awaiting the Awakening of Human Consciousness.

&

To Dr. Ibrahim Abu Lughod for Being a Symbol & a Torch of a National Struggle that will not Fade until the Oppressed are Liberated.

Acknowledgments

The idea of writing this thesis came following a five-week exchange program between Palestinian and Native American youth where Palestinians visited and stayed in Native American reservations in both the United States and Canada. The formal and personal encounters and exchanges were the sparkle for this work. The deepest thanks go to all the Natives whom the researcher met all over the United States and Canada and for the great impact they had on her perspectives. Deep appreciation especially go to Harley Eagle and Ardis Iron Cloud for the great work they do to help their Nation and for their wisdom that opened a whole new horizons for me.

I would also like to thank all my friends and my family for their support and for their belief in what I was doing. My special thanks to Mary Kate MacIsaac for being a great friend and for providing support and encouragement. She also carried out all the editorial work of the thesis. Issa Qaraqi's support and invaluable help meant so much to me.

Finally, I am deeply indebted to my professors at the Graduate Institute of International Studies at Birzeit University who provided me in the past years with the knowledge that helped me carry out this work. No words can describe my gratitude to Roger Heacock and Martin Beck for generosity, for the great people they are, and for believing in me and in my ability to finish this thesis in this difficult time in the Palestinian history.

Table of Contents:

Dedication	iv
Acknowledgement	v
Table of Contents	vi
Abstract in Arabic	vii
Introduction	xi
Chapter One: Settler Colonialism: Concepts, Strategies and Means of Control	1
Chapter Two: Human Presence on the Land	28
Chapter Three: European Conquerors and the Defeated Natives	68
Chapter Four: Peace Treaties: Another Stage of Conquest	17
Conclusion	217
Bibliography	223
Maps	229
Appendices	237

ملخص بالعربية

تعمل هذه الدراسة على عقد مقارنة بين تاريخين احتلاليين يتمثلان باحتلال أراضي شعب التشروكي، أحد الشعوب الأصلية التي استوطنت جنوب شرق ما يعرف الآن بالولايات المتحدة الأمريكية على يد الرجل الأبيض واحتلال الحركة الصهيونية لأرض فلسطين وإقامة إسرائيل فيما بعد عليها. وتحاول الدراسة عقد المقارنة بين عمليتي الاحتلال ونتائجهما في محاولة لاستشراف ما يمكن أن تنتهي إليه أو ما ترمي إليه عملية الاحتلال الحالية في فلسطين لما للدراسات المقارنة من أهمية نظرا لميل الأحداث التاريخية إلى أن تعيد نفسها ولكن بصور ومسميات جديدة. فالهدف من المقارنة هو محاولة تلافي الأخطاء ومعالجة الاشكاليات التي أدت إلى أن تنتهي حالة احتلال التشروكي إلى ما انتهت عليه عند التعامل مع الحالة الفلسطينية الحالية حيث أن الاحتلالين أخذا شكل الإحتلال الاستعماري الذي يعمل على استجلاب المستوطنين وعلى مصادرة الأراضي وعلى تطويق السكان الأصليين والتضييق عليهم وترحليهم وطردهم.

تكمن أهمية البحث في أنه يعمل على تقديم موضوع جديد للطلبة الفلسطينيين من ناحية أنه يقدم معلومات حول تاريخ السكان الأصليين في القارة الأمريكية الشمالية وتراثهم وحضارتهم مركزا على شعب التشروكي، كما أن المقارنة تعتبر جديدة ولم يعمل أحد على تمحيصها من جميع جوانبها من قبل.

والدراسة مقسمة إلى فصول أربع، تضع الباحثة في الفصل الأول الإطار النظري للبحث بحيث تعمل على ترسيم النموذج التجريدي الذي تخضع له الحالتان قيد البحث ألا وهو الاستيطان الاستعماري كما أنها تعمل على وضع هذا النموذج في إطاره الزمني الأوسع وتقدم بعض المفاهيم ذات العلاقة. ثم يقدم الفصل الثاني تاريخا مختصرا لوجود السكان الأصليين على الأرض قبل مجيء المستعمرين ويلقي الضوء على حضارتهم وثقافتهم ومعتقداتهم. أما الفصل الثالث فيشكل صلب البحث حيث أنه يتتبع عمليتي الإحتلال وآلياتهما ونتائجهما ويعمل على إبراز أوجه الشبه والاختلاف بينهما. ثم يستكمل الفصل الرابع ما بدأه الفصل الثالث من معالجة إحدى ميكانيكات وآليات الاحتلال الاستعماري في كلتا الحالتين والمتمثلة في الاتفاقات السياسية والتي شكلت في الحالتين ذروة الاحتلال وجاءت كحلقة مكملة في سلسلة الآليات الهادفة إلى الاستيلاء على الأرض والتخلص من السكان الأصليين. وتخلص الدراسة إلى مهموعة من النتائج في الخاتمة.

Introduction

This thesis tests the proposition that the history of relations between Native Americans and the United States government bears significant parallels to that of the Palestinian people and the Zionist movement/Israeli government. These parallels include the ideological tenets, the economics, military approaches, and the diplomacy of the occupiers in each instance. The paper aims, by way of a case study, to examine, on the one hand, the fate of the Cherokee Nation in the southeast of the USA from 1776 to 1900, and on the other, the history of Palestinian Zionist relations from 1882 to the year 2000.

The paper, through devising a framework that encompasses the main aspects of the two processes of colonization and through tracing the main characteristics of the two colonialist systems, aims to show the parallels between the two cases, not simply in an attempt to equate the processes but to examine their differences, too. The paper also tests the basic principles and modalities upon which each system was built. A brief presentation is given on both peoples to serve two purposes: to provide a socio-economic and political background of the peoples, with a more human face and, secondly, to refute some of the conquerors claims and myths created around their existence and nature.

In the wake of a long process of occupation that lasted for more than a hundred years and was characterized by encirclement, expulsion, massacres but not to the degree of extermination, Palestinians felt that the Oslo agreements came finally to bring justice for them. Looking at the Cherokee history and learning that about 16 treaties of

"eternal peace and friendship" were signed with the United States government the researcher was curious to look beyond the surface resemblance and deeper into the whole process of colonization to understand the shared aspects. One should note that in each case, the signature of treaties between the parties came at the end of a long process of ideological, economic and military subjugation and the research will reflect this fact. The researcher therefore argues that the rationalization and the process of the conquest in the two cases are quite similar and wishes to test the prima face resemblance between the two conflicts.

More specifically, the similarities are the following:

- The ideology that underlies the conquest in both cases which is expressed
 in the rhetoric and which employs religious doctrines and creeds; it holds
 comparison between Zionism and colonialism;
- The mechanisms that were employed in each case and which included war, massacres, genocide, removal, settlements, transfer, land appropriation, ...;
- And peace treaties and agreements: tracing the political treaties, their purposes, implementation (or non-implementation) and the employment of force, deception, exploitation of the Natives and fragments of leadership.

The researcher adopts the historical, comparative and analytical approaches of all available documents and written material on the two topics in trying to make the comparison between the two cases and in better understanding the factors that played in each case. She utilizes written resources in both Arabic and English in her attempt

to study the topic thoroughly. She tries to foresee the outcomes of the current colonization process and the final status negotiations basing her analysis on what happened to the Cherokee Nation some 200 years ago and what has occurred in the Palestinian arena to date. The paper tries to study in a pure academic spirit the impact of the political agreements on the future of the two nations under research and how they were employed as a substitute to accomplish what the wars failed to fulfill.

The importance of this study is that it introduces the Native Americans' experience and case with the United States government as a totally new subject to Palestinian students who know very little about that historical experience. It aims at introducing aspects of the life of the Cherokee Nation as an example of other Native American Nations who had faced, in one way or another, the same destiny. In addition, it aims to present their political struggle and provide the Palestinian reader a sense of the society and culture of the Cherokee Nation as one of the indigenous peoples inhabiting the American continent long before the United States existed. Cherokee are one of the Native American Nations that lived in the southeast part of They first made contact with English settlement in the mid-17th The English conquered parts of their lands but the Americans finished the task, implementing an all-out land confiscation and transferring the whole nation west. The English colonists aimed to establish a pure white state just as the Israelis aimed to create a pure Jewish state on the land of Palestine. The American war of Independence was just like Israel's war of conquest. Continental commanders carried out their work smoothly, cutting up every Indian corn field and burning every Indian

Settlers helped the commanders by gathering to massacre even friendly town. Indians at their hunting grounds. The colonists insisted they were in a state of selfdefense in their war with the Cherokee Nation, something that is so similar to the Palestinian case in 1948. The flight of the Cherokee nation in the heat of the war gave the Americans title to the land. The treaties that followed forced on the Cherokees massive new cessions of land, and although it promised to start a new era of peace between the two parties, it did not do so. The white man violated all the signed treaties and each new treaty spurred them to further encroach on Cherokee territory. Just as the Oslo Accords between the Palestinians and the Israelis were the results of coercion and reflected the prevailing balance of power, so were the treaties signed between the Cherokee and the US government. The ultimate aim of the white settlers in the US was to obtain the land and it did not matter whether that was accomplished by war or by treaty. This is familiar to the Palestinian case, for Israeli settlement activities and land expropriation have increased at alarming rates following the signing of the peace agreements. Altogether there were 16 treaties of "peace and friendship" between the Cherokee and the US government and, thus far, five agreements and memorandums have been signed between Palestinians and the Israelis. Cherokee resistance to the acts of conquest was described as "savagery" just as Palestinian resistance is called "terrorism" today. Similarities between the two cases appear also in tyrannous laws, their purpose to evacuate the land. The strategy, as stated by Andrew Jackson, that "You must get clear of them by legislation. Take judicial jurisdiction over their country; build fires around them and do indirectly what you cannot do directly" is the policy Israel adopted in its repressive rules in the West Bank and Gaza Strip. Policies including imprisonment, indignities, persecution and even death were practiced against the Cherokee nation, as they are practiced by Israelis against the Palestinians. The study comes at a decisive moment in Palestinian history when the Palestinians are trying to break out from the strangling policies and settlement war waged against them and through negotiating a resolution, granted it gives them part of their rights. The coming negotiations will determine once and for all the future of the Palestinian people. The study occurs seven years after the signing of the Oslo agreement. It serves as an assessment of the whole Palestinian experience in light of the Cherokees' experience and thus serves to reveal both the conqueror and the conquered actions since they are bound to recur over time. Therefore, carrying out such research that examines a very similar case in recent history can be of major importance to the Palestinian policy makers and individuals who can benefit from previous experience. It is also important for Palestinian academics and students in addition to students of international studies and political science who are interested in learning more about both the Palestinians and the Cherokee nation because it is carried out for the genuine purpose of education.

The personal reason for this study is that the researcher herself is a refugee residing in a refugee camp and whose grandparents lost their homeland following the Israeli conquest of Palestine. She feels that the Palestinian question is her own case and studying it is the least she can contribute to helping her own nation. She feels that a just solution to the Palestinian question can only be reached if Palestinians understand what really happened, how it happened and, overcoming their sense of victimhood

and obsession with their own trauma, learn from other nations' experiences. In this respect the Cherokee Nation's removal, their treaties and the situation in which they live today can help Palestinians. The interest for this topic came after the researcher visited several Native American reservations in the United States and Canada in the summer of 1998. During her visit that lasted 35 days, the researcher learnt so much about the history of the Native Americans, their traditions, and their spirituality. She was also introduced to the political treaties that they signed with the government of the United States and felt she was reading a chapter of her own nation's history. She created so many strong friendships that, feeling obliged and committed to them, she feels it is her duty to spread their story because it is a story of another injustice largely ignored and given the cold shoulder by the international community. It is also an experience that reflects the interaction of power, interest and colonialism -- major factors that have important play in the Palestinian case.

The study aims to answer several questions; among them are:

- Will the Palestinians future be the same as the Cherokee nation and is there
 a chance to avoid such a black end?
- Is the destiny of the Palestinian nation an escapable one, i.e. is there a way out? What are the factors that can be used and manipulated to change the future of Palestine?
- How can Palestinians learn from previous experiences in negotiating with the Israeli side?

The study is divided into four chapters in addition to an introduction and a conclusion.

In the first chapter the researcher sets the ground for the research by exposing the history of colonialism, its definitions, the mentality of colonialism, the idea of race and how it has been employed to ensure control over non-white races. The researcher believes that this introduction is very important because it was at play in both case studies. The second chapter provides a historical presentation of the Native Americans such as who are they, and the Cherokee Nation in particular, their origins, their evolution, where they lived, their culture and languages, their beliefs, their spirituality, and provides a short presentation of the Palestinian people, too. The aim of this chapter is to show that the two nations existed, had their own patterns of inhabitation in their home countries and were making progress in their cultures just as any other nation in the world. The third chapter will be the body of the research and will focus for the most part on the origins of the two political conflicts: the ideology from which each sprang and the mechanisms involved in implementing the ideology including wars, settlements, massacres, confiscation of land, destruction of villages, etc. This chapter will set the ground for the next chapter. The fourth chapter will focus on the political agreements and treaties. It will start by defining treaties and agreements according to international law. Then it will study carefully and compare some of the treaties that were signed between the conflicting parties in each case. A conclusion will then be drawn revealing some of the differences in the two cases.

Although it has not been easy for me to carry out my study for the lack of resources that deal with the topic, especially on Cherokees, I was able to collect a long list of books, documents and articles that dealt with each conflict. My hope is that the material that I use will establish the information needed to investigate my hypothesis.

Chapter I

Settler Colonialism: Concepts, Strategies and Means of Control

"Not so very long ago, the earth numbered two thousand million inhabitants: five hundred million men, and one thousand five hundred million natives. The former had the Word; the others had the use of it."

What happened is the question that poses itself before any person looking at the history of humanity on this earth and trying to understand its processes and development. Since the argument of this thesis is focused on comparing a pattern of behavior assumed to be identical in its general lines exhibited by European western settlers who have formed political entities in non-European lands; the pattern is quite clear in the cases of the USA and Israel. To begin examining this subject, there is a need to put the study in its historical context in terms of the period that the two cases belonged to and were the product of. By doing so, the researcher wishes to help the reader better comprehend the two cases in terms of time span, and she believes that it is rewarding in attempting to predict the course which events may take in future.

The intention of the researcher in tackling the issue of colonialism, settler colonialism and imperialism in the following chapter is to compare the static and dynamic mechanisms that have shaped settler colonialism in its recognizable form manifested in the two cases under study. The researcher believes there is a need

¹Frantz Fanon, The Wretched of the Earth, Grove Press, New York, 1963, p.7.

to shed light on "the abstract model" that reflects settler colonialism, which is common to the cases of North America and Palestine.

Colonialism, Settler Colonialism and Imperialism: Definitions, Development and Processes:

Before dealing with the claims of settler colonialism to non-European lands, it is essential to present definitions of colonialism and imperialism, differences between traditional colonialism and settler colonialism and the relationship of colonialism to imperialism.

First, there is a need to distinguish between colonization, an age-old subject of historical study and colonialism. In his attempt to differentiate between the two terms which tend nowadays to be used interchangeably, Herbert Luthy suggests that colonialism "seems to have come to us from international rostrums where diplomats and propagandists wage the psychological wars of today; and to my taste it has that Basic English quality of an international vocabulary ready-made for simultaneous translation, where the suggestive power of words is in inverse relation to their accuracy". Luthy claims that colonialism in its current use seems to be used as a synonym for imperialism, or more generally, of domination of one country by another, or by the rules of another country. Thus it can be said that colonialism "designates certain forms of imperialism or foreign domination which are past and gone, or the last shaky remnants of which are condemned to disappear rapidly." According to Funk and Wagnalls Standard Dictionary of English Language colonialism is "the policy of a nation seeking to acquire,

² George H. Nadel, *Imperialism and Colonialism*, The Macmillan Company, New York, 1964, p. 27.

³Ibid

extend, or retain overseas dependencies." The dictionary also lists imperialism as a synonym for colonialism.

Colonization, on the other hand, according to Merrian Webster's Collegiate Dictionary, since it was not listed in the earlier mentioned dictionary, means an act or instance of colonizing which is given the meaning of establishing a colony on or of. Therefore, it is colonization that will be the focus of this thesis since it is the dynamic process that led to the occupation of the lands.

Among the various definitions found for colonialism, there are two main shared aspects including the tendency of certain countries to dominate other countries and peoples and the entailing of one or another form of expansion at the expense of others.⁴

Colonialism can take one of six forms according to Yorgen Osterhamel ⁵. The six forms are:

necessarily result from a military victory over or suppression of another people of a certain targeted land. The causes for such massive immigration can be numerous; among them are the high fertility rates of a certain country, the need for an environmental outlet, religious persecution in the motherland, and the availability of resources. This kind of movement leads to the formation of new strong and unstable entities. It does not lead to the creation of colonies because observing centers cease to exist. An example of this rare form is the case of Cape

⁴ George Jabbour, Settler Colonialism in South Africa and the Middle East, PLO Research Center, Beirut, August 1970, p. 11.

⁵يورغن أو سترهامل، الاستعمار: مراجعة نظرية عامة، ترجمة أبو بكر أحمد باقادر، مؤسسة اليمامة الصحفية، الرياض، مايو

Boers' population who voluntarily moved into South Africa between 1836-1854.

The result of their immigration was the establishment of two local Baoer communities in two provinces, Orange Free and Transvaal.

- 2) Massive Individual Immigration: This happens when individuals, families or small groups leave their home country and head to another one. The main motive leading to such movement is seeking better economical lives. The immigrants do not create a new colony, but they are integrated in multi-ethnic societies. However, the immigrants tend to live in pockets "symbolic colonies" in order to preserve their social as well as cultural identities. This occurred with the Chinese immigrants living in China town in the USA. Such movement can happen as a result of compulsory forces or it can happen by choice.
- Borders' Colony: It entails conquering massive areas of land across borders to be used for agricultural purposes and/or their richness in natural resources. This process necessitates settlements. Therefore, there is a need to combine labor, capital and natural resources in a certain place. Establishing colonies as separate political units is scarcely connected to such form of colonialism. In spite of that, such incidents have happened; for example in the case of colonizing North America which expanded from the East Coast colonies to the rest of the continent.
- 4) Overseas Settling Colonization: This type requires the establishment of "outside settlements". The classic example of this is settling colonization of the English in North America. The groups that established the settlements tried to build an economy independent of both the mother country's and the indigenous people's. This type of colonialism has two main forms. The first one is "the New England" form which required the growth of settlement farmer population and removal of the indigenous people as they had no economic value to the settlers.

The second form of settling colonialism occurs when a strong political minority of settlers, removes, usually with the support of the colonizing power, the indigenous farmers from their fertile lands and uses them as laborers. Settlers of this kind keep pressuring to take over more and more land. The latter form of settling colonialism that is called "the African" differs from the former, "the New England" in that it depends on indigenous people as workers. This fact explains why the latter form of settling colonialism is unstable. A third form of settling colonialism resolves the problem of labor through replacing the indigenous laborers with foreign slaves, usually black people, after it throws out the native population. The imported slaves are used to support the economy of large plantations. An example of this is the British Caribbean where black slaves represented about 90% of the population in 1970.

- 5) Empire Building Wars: This represents the classic form of one nation ruling another. It requires that the existing imperialist center continues to acquire the resources it needs to remain the ultimate source of legitimate power. An example of this is the Arab Islamic expansion of the eighth century. It should be understood, however, that a central unified empire cannot exist for ever.
- 6) Maritime Stations: This type involves systematic building of commercial factories that are secured by military forces. An example of this is the British hold of Calcutta, Bombay and Madras of 1820. The aim of this form is to ensure commercial hegemony; it also has strategic importance of preserving interests. Colonization, therefore, should be distinguished from colonies since the former did not always entail the establishment of colonies. The scope of this paper is manifested in settler colonization that should also be distinguished from traditional colonization. What distinguishes settler colonization is its declared

espousal of discrimination on the basis of race, color, or creed. And while traditional colonialism is based on overseas colonialist agents which can therefore be easily dismantled, settler colonization is based on settlers who are well entrenched in the lands they acquire which makes it very difficult to dismantle them⁶. In addition to the concepts of domination and expansion that were encompassed in the definition, three elements must be taken into consideration. The first one is related to the relationship between the colonizer and the colonized. It is a relationship between a society that was deviated of its normal developmental course and its employment to serve the colonizers' interest. The second element is related to the cultural difference between the colonizer and the colonized. It was expected that the colonized would have to accept the culture, values and traditions of the colonizer. As for the third element, theoreticians of colonialism and European expansionism have always presented it as a cosmic mission of saving the heathens and advancing primitive barbarians. The mission was always portrayed, as a burden that white men had to bear since their civilization is the most advanced one.⁷

Territorial expansion started as a result of geographical discoveries of the fourteenth, fifteenth and sixteenth centuries. After explorers returned to their countries with good tidings of the existence of new lands, politicians, merchants and missionaries started thinking of new ways to utilize the discoveries. Therefore, "at the turn of the seventeenth century, European powers were exploring the far reaches of the globe. Each country differed in its approach to the

⁶ George Jabbour, Settler Colonialism in South Africa and the Middle East., p.8.

 $^{^{7}}$ يرغن أو سترهامل، مصدر سابق، ص ص 2 –27.

world outside Europe. Dutch and English interests were often represented by private companies or groups of aristocrats to whom a proprietary patent would be issued, as manifest by the activities of the East Indies company or the early settlement of America" ⁸. The purposes for the seizure of the newly discovered lands were economic, political, strategic, but they were wrapped up in great virtual slogans. The major theme was described as the burden and the mission that the white man had to bear. The white man's virtues gained their credibility from the belief that the great European powers are the most civilized. Espousing the ideals of Christianity, democracy, race, good and organized government and modern technology qualified him for such a mission⁹.

The worldwide expansion movement proceeded in various forms as was discussed earlier and in different discontinuous waves. The first wave took the primitive sense of the word in colonizing the virgin lands in North America, Argentina, Australia and Siberia. In these cases, European immigrants developed societies that were free from political control of Europe. The second wave took the forms of scattered European trading posts and plantation settlements and had limited influence on the hinterland. The third wave started with the industrial revolution in Europe. The revolution re-awakened and extended the fever of exploration and revived even the crusading spirit of conquistadors. This led to a race among the

-

⁸ Barbara Arneil, *John Locke and America, the Defense of English Colonialism*, Clarendon Press, London, 1996, p. 45.

⁹ George Jabbour, Settler Colonialism of South Africa and the Middle East., p. 12.

different European nations. Each nation carved out immense unknown territories that were never able really to colonize¹⁰.

The third stage of colonialism gave rise to the theory of colonial imperialism. Imperialism is "a practice by which powerful nations or peoples seek to extend and maintain control or influence over weaker nations or peoples."11 While some scholars connect imperialism with the economic expansion of capitalist states, others limit it to the European expansion after 1870. Like colonialism, it connotes a tendency of certain countries to dominate other countries and peoples and it entails one or another form of expansion 13. The main difference between colonialism and imperialism is that colonialism entails usually formal political control that involves the annexation of territories and sovereignty loss; imperialism, however, refers to formal or informal, direct or indirect, political or economic control. Imperialism is also an old phenomenon that can be traced to the Empire of Alexander the Great and the Roman Empire. 14 Motives that enhance this form of expansion by imperialist countries can be economic; political to posture the desire for power, prestige, security and diplomatic advantages vis-avis other states; ideological to spread political, cultural or religious beliefs and reactive to the existence of a weaker or unstable periphery. 15 The period of imperialism lies in the three decades from 1884 to 1914, which separate the 19th

proce

¹⁰ George Nadel, Imperialism and Colonialism., pp 30-31.

www.encarta.msn.com; Imperialism, p.1

¹² Ibid.

¹³ George Jabbour, Settler Colonialism in South Africa and the Middle East., p. 11.

¹⁴ www.encarta.msn.com; Imperialism, p.1

¹⁵ Ibid., p.2

century from the 20th. These three decades ended with the scramble of Africa and the birth of pan-movements. The political emancipation of the bourgeoisie was the central inner-European event of the imperialist period. The uniqueness of that class was being the first in history to achieve economic pre-eminence without aspiring to political rule. Because it had developed within, and together with, the nation-state, it ruled over and beyond a class divided society. Decisions were left to the state, even when the bourgeoisie had established itself as the ruling class. The struggle between the state and the bourgeoisie class started only when the nation state proved unfit to serve the further growth of the capitalist economy. struggle continued unresolved until the German bourgeoisie staked everything on Hitler's movement and aspired to rule with the help of the mob, but it was in effect too late. 16 "The bourgeoisie succeeded in destroying the nationstate but won a Pyrrhic victory; the mob proved quite capable of taking care of politics by itself and liquidated the bourgeoisie along with all other classes and period was institutions" 17 marked by the slogan, "expansion is This everything"18. Development of economics and trade of each country involved it a way or another in world politics. Thus, imperialism is an entirely new concept in the long history of political thought and actions "since it implies neither temporary looting nor the more lasting assimilation of conquest." ¹⁹ The concept has its origins in the field of business speculation. Expansion was needed for

¹⁶ Hannah Arendt, The Origins of Totalitarianism, Harcourt Brace & Company, Florida, 1976, pp. 123-124.

¹⁷ Ibid., p. 124.

¹⁸ S. Gertrude Millin, Rhodes, London, 1930, p. 138.

¹⁹ Hannah Arendt, The Origins of Totalitarianism, p. 125.

industrial growth because it meant increase in production of goods. When the bourgeoisie class came up against national limitations to its economic expansion, imperialism was born. 20 The political structure, the nation-state, which is based on the nation, does not suit unlimited growth. Instead it was the economic structure that provided a reason for the bourgeoisie class to gain power. If a nation-state attempted to stretch its political structure, this usually involved conquering foreign peoples. Such conquering needed the conviction of the conquering nation that it was imposing a superior law upon barbarians. Conquering other people usually aroused national consciousness and desire for sovereignty among the conquered people, which consequently defeated any attempt of empire building. Therefore, the system resulting, namely imperialism is not empire building, and expansion is not conquest since the natives were left to their own devices as far as culture, religion, and law were concerned. 21 "As it was, the imperialist-minded businessmen were followed by civil servants who wanted "the Africa to be left an African" while quite a few, who have not yet outgrown what Harold Nicolson once called their "boyhood ideals", wanted to help them to "become a better Africa- whatever that may mean." 22 In comparison with colonialism, imperialism meant the export of money while the former meant the export of people. People of all European countries with colonial possessions believed that they could not live unless they had the trade of the world. The imperialists wanted to expand political power but without the foundation of a

20 Ibid.

²¹ Ibid., pp. 126-130

²² Ibid., pp. 130-131

body politic. The massive production and the over-saving resulted in surplus money that needed to be re-produced in order to keep the machine of accumulation going. Thus, foreign investment had started as an emergency measure to be an outlet for the surplus money. It became, however, a permanent feature for all economic systems as soon as it was protected by export of power.²³ The need to export surplus capital was accompanied by the need to export surplus working power, the other by-product of capitalist production. This converted workmen into imperialists and supporters of imperialism for they needed to work. Imperialism appeared to be a lifesaver since it could provide a common interest for a nation as a whole. Expansion appeared as a common economic interest for everyone in the nation. It is this reason that made nationalism develop a tendency towards imperialism, which consequently used the idea of the nation portrayed as The idea of race was the seed for racism, which became the powerful ideology of imperialistic policies. 24 The idea of race held an important role in outlining the ages of colonialism and imperialism. Theodore Roosevelt understood race "as the basic unit of human organization and used the concept to bring order, regularity, and consistency to his world view. In addition, race functioned as a unifying theme for social philosophy which awarded superior pedigrees and penalized inferior ones."25 According to Jabbur, racism is a social phenomenon, and the result of many interwoven factors. It has varied from a

²³ Ibid., pp. 132-137.

²⁴ Ibid., pp. 150-153.

²⁵ Thomas G. Dyer, Theodore Roosevelt and the Idea of Race, Louisiana State University Press, 1980, pp. 168-169

vague feeling of being a distinctive group to an elaborate scientific theory. 26 It is strange enough to find the roots of racism in France, the land of revolution and The idea of race developed among the French nobility and aristocrats in their attempt to distinguish themselves from their fellow Frenchmen; therefore they emphasized the superiority of the German race, to which they believed they belonged. In contrast, German racial thinking was invented in an attempt to unite Germans against other peoples. German racism developed after the unification of the nation in 1870. What prepared the way intellectually for racial thinking in Germany was the romantics emphasis on innate personality and natural nobility. English race thinking appeared during the French Revolution. Having rejected the principles of the French Revolution based on social equality, the British society and mainly conservatists preferred "right of Englishmen" to "rights of men". The English felt that their rights were inherited and this was why they enjoyed them.²⁷ Thus, we see that the idea of race and the mission entailed by being a superior race existed in the European communities; however, it was imperialism that necessitated the invention of racism to present explanations, as well as excuses for its deeds. 28

Thus, to sum up the difference between the three terms colonization, imperialism and colonialism, the researcher quotes D.K. Fieldhouse who "maintains that in current usage "imperialism" refers to the dynamics of empire-building, and "colonialism" refers to the subjugation of a (non-European) society which is the

²⁶ Jabbour. Settler Colonialism in Southern Africa and the Middle East, P. 57.

²⁷ Hannah Arendt, *The Origins of Totalitarianism*, p. 175.

²⁸ Ibid., p. 184.

product of imperialism. Colonization describes the movement and permanent settlement of people from one country in another where the immigrants intended to establish societies similar as possible to those they had left behind: they were not primarily concerned with the indigenous people they found overseas. The special feature of "colonization", he summarizes, "was thus the creation of permanent and distinctively European communities in other parts of the world", though these communities have included a portion of indigenous population and in many cases also adjunct sections of a non-European labor force". ²⁹

This brief presentation of colonialism and imperialism, their development and their relationship to each other has been introduced because the two cases covered in the scope of this paper are the product of the previous historical processes. Thus, there was a need to shed light on the atmosphere of colonialism and imperialism.

In both cases (Palestine and America), the settlers' pattern of behavior could be expressed as follows:

1- Lands were considered vacant, This was done in order to give European settlers the pretext to settle in those places on permanent basis. This was carried out in the historical era that expanded between the modern geographical discoveries and the modern imperialist expansion;

2- Indigenous cultures were characterized to be inferior to the European one and were of savagery nature;

²⁹ Uri Ram, "The Colonization Perspective in Israeli Sociology", in Ilan Pappe, Ed. *The Israel-Palestine Question*, Rewriting Hisotiries, Routledge, London and New York, 1999 p. 60

- 3- Systematic and feverish acquisition of land to ensure a physical geographical basis for settlements;
- 4- Legitimizing their existence and the acquisition of land through issuing certain colonial and imperialist acts and laws. Those rules played a successful role in granting legitimacy in the orbit of colonialist-imperialist traditions;
- 5- Dealing with the natives in an inhumane and discriminatory manner;

It is worth stressing that the settlers' discriminatory treatment has been more systematic, intense and brutal in nature compared to the discrimination that marked traditional colonialism. The reasons for this are that the settler is always there and he/she is in constant contact with the natives and wish to strengthen their entity on the account of weakening the natives' culture and institutions.³⁰

The processes that were adopted by settler colonizers in both cases will be discussed in detail in the coming chapters; however, there is a need to focus on the immediate outcomes of colonization and imperialism that were used as pretexts to conquering peoples and acquiring land. The two offshoots of the trees of colonialism and imperialism that were used as pretexts and justification for colonialism and imperialism are closely related. They intertwine and overlap at certain times but they remain at the core of the two settler colonization activities in Palestine and America. I will try to separate them as much as possible for the purpose of understanding each concept, and I will deal with each concept in both contexts that are being studied. I will start with the American case since the Zionist Israeli case is a product and dependant on the American one. The first offshoot of the colonialist imperialist age is Zionism. There is a need to

³⁰ George Jabbour, Settler Colonialism in Southern Africa and the Middle East, p. 7.

differentiate between the Jewish political Zionism and non-Jewish Zionism. The former was born in 1896 with Herzl's book "The Jewish State" and which was the ideological means to mobilize the community in order to support the establishment of a Jewish State in Palestine. "Non-Jewish Zionism has developed the ideas and program basic to what would become the Jewish political Zionism three centuries before the first Zionist Congress" Non-Jewish Zionism is "a complex of beliefs among non-Jews aimed at the promotion of a Jewish nation state in Palestine by right and accordance with the Basel Program." 32

In the early 16th century, non-Jewish Zionism was born when European Christians experienced a revived interest in Biblical literature, the Jews and their return to Palestine. The Catholic Church did not deal with the Old Testament in a literal sense and it never spoke of a Jewish Nation because it believed the Jewish Nation ended with the Second Exodus. For the Catholic Church, there was a sharp distinction between the Hebrews of the Old Testament and the Jews in Europe. During the Reformation Age, however, the Protestants believed that the scattered Jews will be gathered in Palestine to prepare for the Second Coming of Christ. Because the motto of that age was "Return to the Scripture", people took the Bible to be God's own Word; pure Christianity was to be found in the literal word. The age also marked the open interpretation of scripture and thus simple and literal interpretations of simple people came to the surface. Thus the Old Testament helped to familiarize the masses in Europe with the history of the Jews and Palestine. Palestine, for these people, had become the Promised Land of the

³¹ Regina Sharif, Non-Jewish Zionism Its Roots in Western History, Zed Press, London, 1983, p. 2.

³² Ibid.

The Protestant liturgy and rituals started to reflect the Old Testament. The Old Testament also became the history book that provided simple people as well as the educated with their basic historical knowledge. Therefore, the total history of Palestine shrunk to suit the period of the Jewish people³³. A major result of the Restoration Age was the emergence of fulfilling the prophecies of the Old Testament of the End of Time³⁴. Among the prophecies were the Coming of Christ, which necessitated the return of the Jewish people to Palestine and their conversion to Christianity. It was mainly in Britain that such ideas gained weight since Britain was one of the first European states to break its relation with the Catholic Church in Rome. It was the English Puritans, the direct heirs of Calvinism who developed special preference for the Old Testament in the 17th century. These tendencies spread from England to the New World³⁵. During the second half of the 17th century, spiritual Zionism played a major role in American thought especially in the earliest days of the European settlement in America. The Puritan settlers identified with the Jews of the Old Testament, seeing themselves as the exiled. They saw "the New World" to be "the New Canaan" or "the New Promised Land". It is not strange to see that I was preceded in my ideas of comparing the Palestinians to the Native Americans by the earliest settlers of America who invoked the Old Testament, when waging wars on Native Americans: "It clearly appears that God calls the colonies to war. Narrohaigansetts and their confederates rest on their numbers, weapons and

³³ Ibid., pp. 10-14.

³⁴ Ibid., p. 16.

³⁵ Ibid., pp.16-23.

opportunities to do mischief, as probably the old Aasher, Amalek and the Philistines with others did confederate against Israel"³⁶. The settlers used names from the Old Testament and gave them to their cities and towns in the new world; however, the return of the Jews to their traditional land was their favorable option. This trend of thought continues to be the backbone for the American and Anglo Saxon support of political Zionism.

The second concept to be studied in the American context is racism. Racism and the idea of race are connected to non-Jewish Zionism, but racism was mainly the outcome of colonialism and imperialism. In the New World, popular thought and public policy were heavily affected by formal racial theories since it was the white Americans (settlers) who defined roles of inferiority for non-whites³⁷. Settlers were affected by the ideas of evolution and the survival of the fittest and by the tradition of Anglo-Saxonism justifications of colonialism and historical imperialism. The idea of the superiority of the white race found its manifestations in theories of natural sciences such as the theories of John Burgess who valued the idea of the Teutonic races who must value their unique talent for political organization and who have the responsibility to eliminate barbaric populations who resisted civilization. This mentality prevailed among the masses as well as among political leaders and intellectuals³⁸; and thus was reflected amongst the English settlers. Meanwhile, the earlier settlers as indicated previously, were not the representatives of the high classes and the nobilities in their societies. Being

36 Ibid., p. 90

³⁷ Thomas G. Dyer, Theodore Roosevelt and the Idea of Race, p. 2.

³⁸ Ibid., pp. 7-8.

in the New World, they were liberated from being the lesser people. identified with the nobles of their homelands and projected all their hatred and animosity towards the natives. I have chosen Theodore Roosevelt to be a witness and an example to shed light on the mentality of that era in America. He, like other Americans, agreed "that Americans as members of a superior race, had not only an obligation but a sacred duty to extend their sway over lesser peoples and to guide and tutor the inhabitants of the benighted areas",39. The racial language that was applied to Native Americans is only a reflection of the mentality. Native Americans were considered savages who loved cruelty for the sake of cruelty and who loved barbarity. Roosevelt described them as "a harode of lazy, filthy, cruel beggars always crowding into their {the settlers} houses, killing their cattle, and by their very presence threatening their families" ⁴⁰. The genocide of Indians therefore was justified for the sake of advancing white civilization⁴¹. In Roosevelt's opinion, "the pioneers had accomplished a task of great "race importance", in killing off the Indians, a weaker and inferior race. The whites represented the vanguard of civilization ... their actions should not be judged by the standards applicable in a civilized society."42 In another example, and in order to justify their expulsion from their homeland, Lewis Cass, the governor of Michigan, described the Cherokees as the people whom he could not find "upon the face of the Globe, a more wretched race than the Cherokees... Many of them

³⁹ Ibid., p. 10.

⁴⁰ Ibid., p. 72.

⁴¹ Ibid., p 74.

⁴² Ibid., p 76.

exhibit spectacles as disgusting as they are degrading." 43 Of the Native race he writes,

"It is difficult to conceive that any branch of the human family can be less provident in arrangement, less frugal in enjoyment, less industrious in acquiring, more implacable in their resentments, more ungovernable in their passions, with fewer principles to guide them, with fewer obligations to restrain them and with less knowledge to improve and instruct them."⁴⁴

The second context, Palestine, shares a great deal of the major characteristics of the two concepts. As for Jewish Political Zionism in relation to Palestine, it was created in response to three main challenges facing Europe in the 19th century. The challenges can be summarized in:

- Imperialism that necessitated finding new sources of raw materials and new markets for commodities and labor and ensuring means of communication. The location of the Arab world is key to guaranteeing free commercial and military communications. 45
- The rise of anti-Semitism in Europe during the 1880s. This term was first used by an anti-Jewish German author to stress "the nature of his antipathy as racial and thus "modern" as opposed to traditional religious antagonism toward the Jews". 46 This rise of this concept was accompanied with the Jewish efforts to assimilate. The Jews felt that the assimilation policy was not working in Western Europe and the attacks on Jews continued in Eastern Europe. This made the Jews

⁴³ Bernard W. Sheehan, Seeds of Extinction, The University of North Carolina Press, New York, 1973, p.9

Ibid., p.254
 A.W Al-Kayyali, Zionism, Imperialism and Racism., pp. 9-10.

⁴⁶ Charles D. Smith, Palestine and the Arab-Israeli Conflict, St. Martin's Press, 1988, p. 27

unwanted in their own societies. In Russia, for example, there was an attempt to cut the country off from radical ideas of social transformations which were attributed to Western European influences which the Jews were accused to be the ones who brought them to Russia. This enraged the protectors of monarchy and the Orthodox Church who wanted to protect the monarchy from liberal political Thus such protectors ideologies and the growing discontent of the peasants. directed the anger of both the peasants and the elite towards the Jews. Pobedonostsev, the tsar's unofficial advisor wrote about the Jews saying: "They have undermined everything... They are at the root of the revolutionary socialist movement and of regicide... The People as a whole fall into financial slavery to In France, too, anti-Semitism was growing. Anti Jewish writings and them."47 activities occurred in 1890s, such as the publication of La France Juive in 1886. Edouard Drumont, the author of this book accused the Jews of being responsible for bringing a financial ruin on France. Anti-Semitism in France had more to do with economic uncertainty and social dislocation, especially among the poorer classes than it had to do with religious antagonism. The crash of the Panama Canal Investment Company in mid 1880s in which many Jews were involved heightened the feelings of anti-Semitism in France. 48

Racism ideas that caused Europeans to believe that they are the superior race whose mission was to civilize the inferior native peoples of other places.

⁴⁷ Mark Tessler, A History of the Israeli - Palestinian Conflict, Indiana University Press, Bloomington and Indianapolis, 1994, pp. 39-40

⁴⁸ Ibid., pp. 43-44

The fact that the Arab world was under the rule of the Ottoman Empire which became more and more dependent on the European powers intensified the interest of the Western powers in its possessions, mainly in the Arab World.

The opening of the Suez Canal, the British occupation of Egypt and Cyprus, and the increase of anti-Semitism in Western and Eastern Europe gave impetus to Jewish Zionism. Britain, adopted this idea and tried to promote the Jewish interests by encouraging the Ottoman Sultan to facilitate the Jewish immigration to Palestine. It was Herzl who led the diplomatic activities with the leaders of the European powers to help him crystallize the Jewish State. We must not overlook the tendencies that already existed in the English society of returning the Jews to Palestine. More and more literature was produced in support of the Jewish settlement in Palestine.

As we mentioned earlier Chauvinist nationalism and the Russian programs of 1881 pushed political Zionism to the surface. The continued flow of Jewish immigrants to West Europe increased anti-Semitism. Herzl was the one to capture the idea and materialized it in the first Zionist Congress of 1897. The idea crystallized in the Basel Program which read as follows:

"Zionism aims at the creation of a home for the Jewish people in Palestine to be secured by public law." To that end, the congress envisages the following:

The purposeful advancement of the settlement of Palestine with Jewish farmers, artisans and tradesmen.

⁴⁹ A.W. Kayyali, Zionism, Imperialism and Racism., p. 11.

⁵⁰ Mark Tessler, A History of the Isralei - Palestinian Conflist, p. 47

⁵¹ A. W. Kayyali, Zionism ,Imperialism and Racism, p. 13.

- The organizing and unifying of all Jewry by means of appropriate local and general arrangements subject to the laws of each country.
- The strengthening of Jewish national feeling and consciousness.
- Preparatory moves towards obtaining such governmental consent as will be necessary to the achievement of the aims of Zionism",52

The ideas of Herzl were the outcome of the ideologies of nationalist-racist European societies which did not allow for the Jews to integrate because of the Jews apartness and non-conformism. The solution had to realize the conformity and thus was the idea of establishing a pure national Jewish state in Palestine. In order to meet the scientific trends of Europe, Zionism claimed that the Jews constituted one race⁵³.

The notion of "Chosen People" was a variation of the concept of the superiority of the white man and the white man's burden that was used by Western colonizers and imperialists. It was tied to the concept of the "Promised Land" and the promise of return in order to mobilize Jews and to reflect the general atmosphere that they belonged to. This was reflected in the Zionists discourse. An example is Ben Gurion's assertion in 1957, "I believe in our moral and intellectual superiority to serve as a model for the redemption of the human race." Zionism's colonial nature is manifest in its racist attitudes vis-a-vis the Arabs in its language as well as in the names of its early institutions such as "the Jewish"

⁵⁴ Raphael Patai, ed. *Diaries of Theodore Herzl*, Harry Zohn trans., New York and London, 1960, pp. 70, 322, 568.

⁵² David Vital, The Origins of Zionism, Clarendon Press, London, 1975, p. 368.

⁵³ A.W. Kayyali, Zionism, Imperialism and Racism, p. 15.

Colonial Trust" (1898) and the "colonization commission" (1898). The Arabs were thought of as lazy, dirty and cruel people. Thus, the Zionist, racist-colonialist attitudes are part and parcel of the imperialist attitudes which considered Arab and Islam as barbarians. Zionism was portrayed by Herzl to be the political meeting point between Christianity and Judaism. ⁵⁵ Zionism started to acquire land, to evict the Arabs and to boycott Arab labor. The aim of such policies was to establish a pure Jewish state in Palestine.

The Zionists perceived themselves as western and their mission was to civilize the barbarians. This appeared in Herzl's address to the First Zionist Congress: "It is more and more to the interest of the civilized nations and of civilization in general that a cultural station be established on the shortest road to Asia. Palestine is this station and we Jews are the bearers of culture who are ready to give our property and our lives to bring about its creation." Thus, Ben Zvi depicted the Arabs to be "ransacking, looting, pillaging, robbing, cheating, vandalizing, plundering, or terrorizing the Jews" 57

The Zionist program met the European imperialist interests because the Jewish State that will be established and secured by their patronage; it will rid them of the Jews and it will combat revolutionary tendencies in the Arab World. 58

In 1917, the Zionists obtained from the British an imperialist patronage protection for a Jewish National Home in Palestine in the form of Balfour Declaration. ⁵⁹

⁵⁵ A.W. Kayyali, Zionism, Imperialism and Racism, p. 22.

⁵⁶ Ibid., p.16.

Norman Finkelstien, *Image and Reality of the Israeli-Palestine Conflict*, Verso, London and New York, 1995, p. 96

⁵⁸ A.W. Kayyali, Zionism, Imperialism and Racism, P. 17.

⁵⁹ Ibid., p. 19.

Said, in the Ouestion of Palestine, concludes that there is "a total identification of Zionism with the most reprehensible aspects of European white cultural and racial hegemony" 60 Weizmann's as well as other Zionists' discourse and writings Excerpts from a letter that Weizmann wrote Balfour shows this revealed this. connection:

"The Arabs, who are superficially clever and quick witted, worship one this, and one thing only- power and success.... The British Authorities ... knowing as they do the treacherous nature of the Arab, they have to watch carefully and constantly that nothing should happen which might give the Arabs the slightest grievance or ground of complaint. In other words, the Arabs have to be "nursed" lest they should stab the Army in the back

At the head of the Administration we see enlightened and honest English officials, but the rest of the administrative machinery is left intact, and all the offices are filled with Arab and Syrian employees. ... We see these officials, corrupt, inefficient, regretting the good old times when bakshees was the only means by which matters administrative could be settled."61

Colonizing Palestine was made a goal by western powers who believed that Zionism was consistent with their own ideals since it was based on ethnocentric ideals that were appropriated by its advocates and their adoption of the white man's superiority and his right over territory. 62 A clear linkage is made between Zionism and the International imperialism and western culture by Moses Hess quoting Ernest Laharanne who writes:

⁶⁰ Edward W. Said, The Question of Palestine, Times Books, New York, 1979, p. 28

⁶¹ Ibid., pp. 26-27

⁶² Edward, W. Said, the Question of Palestine, p.29

"A great calling is reserved for the Jews: to be a living channel of communication between three continents. You shall be the bearers of civilization to peoples who are still inexperienced and their teachers in the European sciences, to which your race has contributed so much. You shall be the mediators between Europe and far Asia, opening the roads that lead to India and China- those unknown regions which must ultimately be thrown open to civilization."

Another indication that Zionism was part and parcel of international imperialism is Herzl's consideration of establishing a Jewish colony in Africa or South America following the orthodox imperialist trend. Zionism's indifference to the existence of the Natives connects it with the European imperialism. Maxime Rodinson says that the Zionists indifference was: "an indifference linked to European supremacy, which benefited even Europe's proletarians and oppressed minorities."

Racism can be understood in terms of two implications that are the presumption that mankind is divided into groups according to race, ethnicity or color and that these groups are distinct and different from each other. The second presumption is that belonging to a certain group entails distinctiveness in the personal qualities and capabilities. As for the principles of the belief, they can be summarized in the existence of a superior race which entails that other races are inferior and the second is that races cannot exist together. Thus the principles of practice will be races must be separated which results in racial segregation. 65

Zionism believes that the Jew is superior because of the Biblical concept of "the Chosen People". The Zionist explanation is because they were chosen by God,

6

⁶³ Ibid., p. 67.

⁶⁴ Maxime Rodinson, Israel: A Colonial Settler State? Trans. David Thorstad, New York, Monad Press of the Anchor Foundation, 1973, p. 39.

⁶⁵ Fayez Sayegh, "Zionism: A Form of Racism and Racial Discrimination", in Zionism, Imperialism and Racism, Croom Helm, London, 1979, p. 52.

the Jews are better than others. Jews must therefore gather in a pure Jewish State in exclusion from other inferior races. Thus Zionism means racial segregation and Zionist racial discrimination is manifest in its basic laws which grant privileges to the Jews over the non-Jews. 66

As there were many theoreticians of races in Europe, Zionist theoriticians of race were inseparable part of them, but instead of glorifying the Aryan race they glorified the Jew⁶⁷. The accounts of such theoreticians tried to find ground in Darwinism: "The Jews have not only preserved their great natural racial gifts, but through a long process of selection these gifts have become stengthened." ⁶⁸

We see thus that although Zionism depended on Jewish inner forces, the European social and political milieu played the greatest role of establishing the Jewish State. 69

It is obvious that settler colonization was the abstract model that characterized the feverish process of taking over the land of Palestine and America, convicting their people and setting out new states. The two processes are closely related and, in fact, they resemble one another to a great extent especially at the level of the ideological grounds that they base their conquering processes on. The two processes were the result of the historical, political and economic developments that took place in the European continent manifested in colonialism and imperialism. The two conquering processes took heed under the patronage of

⁶⁶ Ibid., pp. 53-54.

⁶⁷ Abdul Wahab Al-Massiri, "The Racial Myths of Zionism" in *Zionism, Imperialism and Racism*, Croom Helm, London, 1979, pp. 30-31.

⁶⁸ Ibid., p. 31.

colonialist imperialist Britain. The colonization of Palestine took place in an imperialist era and was an offshoot of the process. The two processes were indifferent to the existence of the Natives, depended on racist grounds to justify their occupation. At the end, it is the indeginous peoples of the two areas who had to pay the price.

⁶⁹ Richard P. Stevens. Ed., Zionism and Palestine Before the Mandatre A Phase of Western Imperialism, Preface, The Institute of Palestine Studies, Beirut, 1972, p. ix.

Chapter II

Human Presence on the Land

Settlers' justifications for taking the land in the cases of Palestine and America were that the land was considered either empty or almost empty and that the peoples living on it were barbarians, and savages who lacked any sign of culture. Such propositions are what Francis Jennings, the historian, called "a standard conquest myth". The core of the myth springs from the belief that the territory which is to be conquered is "a virgin land or wilderness". In 1622, one of the first formal justifications for occupying Native American lands was published. The justification adopted the point of view that North America was "empty, spacious and void" in comparison to the full England. The few inhabitants who lived in North America were savagery and uncivilized and did not make use of the Therefore, the justification concluded it was lawful to take land which was not used.2 Thus also the Zionist myth went "a land without people for people without land." The aim of this chapter is to provide a background information on indigenous peoples, their origins, history, culture, economy, and religion in order to refute the settlers' claims.

Native Americans: When the Europeans started exploring and settling America, the Native Americans numbered approximately 1,500,000. They were all associated with tribes. The tribes were distributed across the continent, with some areas more populated than others. In 1500, the Europeans found around 300

¹Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, Verso, London, 1995, p.89

²Ibid.

tribes who living on the territory now called the United States³. Of course, some resources estimate the number of Native Americans to be between two to ten million.⁴ Native Americans concentrated mostly in the western coastal strip that is now called California with an average of 56 people per every fifty square miles. The very existence of all these nations on the continent means that it had witnessed the rise and fall of an array of Native American civilizations by 1492.⁵ Of all the stories of native peoples, Native Americans is among the most fascinating and intriguing ones. This story has been investigated first by theologians, historians and philosophers who saw a culture of great variety and different languages and who wanted to trace the existence of Natives on the continent. At the beginning of the 20th century, scientists estimated the natives' existence to be 5000 years. More recently in the 1940s research based on archaeological evidence proved that the ancestors of natives had existed in the New World since 50,000 BC⁶.

Theories of Indian Origin: After Christopher Columbus landed on the shores of America and saw its "exotic" population, tidings of his discovery were spread among European scholars. Those scholars engaged in debates regarding the origin of the discovered people. Scholars were divided into two groups. The first group adopted the "monogenesis" (one beginning) theory. This theory maintained that Native Americans extended from known human sources in the Old World civilizations. Thus, such scholars were convinced that the Native Americans were

³Arrell Morgan Gibson, *The American Indian Prehistory to the Present*, D.C. Heath and Company, 1980, 62-64.

⁴Peter Nabokov, ed. Native American Testimony An Anthology of Indian and White Relations, First Encounter to Dispossession, Harper Colophon Books, Harper and Row, New York, 1978, p.1 ⁵Ibid, p.p 1, 2

⁶Arrell Morgan Gibson, The American Indian, p.3

the product of the same single act of creation. The other theory reflected the content of a small percentage of scholars who believed that God created a second Adam for the New World. This theory is called a polygenesis (many – beginning)⁷.

Although the supporters of mongensis theory believed that Native Americans were an extension of known human sources in the Old World (Asia, Africa and Europe), they did not agree on their precise geographic origin. It is interesting to see how varied their ideas were when they came to decide the geographic origin of the Native Americans. Some scholars adopted the idea that the Native Americans were the descendents of Phoenician mariners who sailed far off the Another group of scholars believed that the Native Americans descended from Welsh people believed to be led by the legendary Prince Madoy to the New World in an earlier age. Other scholars claimed that the Native American ancestor came from Egypt, the Orient, the Lost Continent of Atlantis or from Carthage. Noticing the language as well as the physical differences among Native American nations, Gregorio Garcia was convinced that their ancestors came from different places. Another Spanish scholar called Jose de Acosta, believed that a land causeway connected Asia and the New World. Asian Mongols used that causeway to migrate to the Western Hemisphere⁸.

Some scholars connected the origin of the Native Americans to the Ten Lost Tribes of Israel. The first scholar to tackle this issue was Lumnius in his De Extremo Dei Judico published in 1567. He claimed that the Ten Lost Tribes

Blbid.

⁷ Ibid

^{*} A Spaniard who lived several years in Peru and other New World colonies

crossed the Atlantic Ocean to the New World⁹. James Adair, the Irish trader who lived among the Cherokees for forty years adopted this theory. In order to support his views, Adair used topics such as the Natives' "division of tribes; their language and dialects; their festivals, feasts and religious rites; their absolutions and anointings; their laws of uncleanness; their practices of marriage, divorce and punishment of adultery; their ornaments." In the 20th century, the Israelic connection preserved in the doctrine of the Church of Jesus Christ of Latter Day Saints and the book of the Mormon which explains how the Native Americans are the descendants of Lamanites, "a degenerate element" among the Jews. ¹¹

ones impeded tracing the origins: The fact that Native American cultures were oral ones impeded tracing the origin of the Native Americans in written sources. Each nation, however, formed a traditional history and passed it orally from one generation to the other. Bearing in mind that the Europeans considered the culture of Native Americans a lower one, they ignored the Natives' accounts about their origin since such accounts did not correspond with the Christian tradition. Therefore, the Natives' accounts were rendered as myths, legends and folk tales. Each nation has its own story of creation, however, there is a meeting point between all stories. The shared points can be summarized in that all of the stories included that the natives were created from mother earth; they all had an account of a flood; they referred to their coming from the West although some said that they came from South or North and a few claimed that they came from the East. 12

9Ibid., p.4

¹⁰John Ehle, Trail of Tears The Rise and Fall of the Cherokee Nation, Anchor Books, Doubleday Dell Publishing Group, Inc., New York, 1988, p.1

¹¹ Arrell Gibson, The American Indian, p4

¹²Ibid., p. 5

Archaeologists and anthropologists who study Native American prehistory (before 1492's Columbus' discovery) depend on archaeological evidence. This is a major drawback because a large part of archaeological evidence was destroyed by people and by nature. Scientists also assume that the Native Americans migrated to the New World from the Old World because no evidence of subhuman types from which the Native Americans could have evolved was found in the Western Hemisphere. 13 Other scientists presume, however, that the Native Americans lived in virtual isolation until 1492. They explain this in light of the Natives' high susceptibility to measles, the common cold and tuberculosis. Many archaeological and scientific tests are used to analyze the Native American past Since the earliest times of settling, some European investigators interviewed different Nation leaders and asked them about the prehistoric period. James Adair, author of The American Indian is among the famous scholars who embarked on this work. Nowadays, college and university students collect the oral history of the Native Americans and document it. The widely accepted scientific theory for the natives' origin is that they came from Asia during Pleistocene Age for the Pleistocene ice cap created the means by which the pioneers could reach the new land. Thus the first pioneers came from Eastern Siberia, Alaska and along the ice free corridor into North America. They spread after that all over the continent.14 Physically, Native Americans resemble Asians more closely than any other people of the Old World. Resemblance is closer to Asians from the marginal Mongoloids of Indonesia and Tibet than it is to Asians

¹³Ibid., p.6

¹⁴Ibid., pp 10-11

Americans into 11 sub-varieties while Neumann has classified them into 8 sub-varieties. "Neumann postulated that all but one of his sub-varieties represented a separate migration of a physical subtype already differentiated from the others when it entered the New World." Other physical anthropologists such as Marshall Newman suggest that most of the physical variations among Native Americans are due to each groups' adaptations to the various environments of the continent. Native Americans were in many different sizes and shapes and skin tones; however they shared in common the black hair, the brown eyes and the shade of brown skin. 18

Cultures: "Culture is used to refer to the entire way of life of a people, not just the visual arts, music, dancing, drama and literature". 19 For the most part of the prehistoric age, the Native Americans had an almost uniform life-style. This was reflected in their use of the same types of weapons needed for hunting. It was not until 5000 years ago that this homogeneity started to break down into regional cultural differences. When the Europeans arrived on the continent, diversity was the rule. The one community was divided into hundreds of nations, each with a different life style. Therefore, the recorded history of Native Americans talks about *tribes*, and the identity of the Native American is the one of his tribe. 20 The history of Native Americans before the coming of the Europeans can be divided

¹⁵Harold E. Driver, *Indians of North America*, 2nd. Ed., The University of Chicago Press, Chicago, 1969, p5.

¹⁶Ibid., p. 5

¹⁷Ibid., 5-6

¹⁸William T. Hagan, *American Indians*, The University of Chicago Press, Chicago, 1961, p.2.

¹⁹Harold E. Driver, *Indians of North America*, p. 17

²⁰Arrell M. Gibson, *The American Indian.*, p. 16

into four eras. In order to help the reader understand the Native American cultural foundations, light will be shed on the outlines of each era. The first age is called Pioneers in the American Wilderness. This era encompasses the period from the beginning of migration to the end of the Pleistocene Age around 8000 BC. The land was full of dense forests, savannas and many lakes, springs and swamps. Animals that inhabited the continent were the Colombian mammoth, and bison. This age was marked by the use of stone weapons and later by hearths and functional stone tools. With time, their weapons became more refined and they started using skin for clothes and sandals from shredded sage bush. In the different stages of this era, progress affected the communities. The second era is called the Archaic Age. The Pleistocene Age started to end about 8000 BC. This was marked by the retreat of the glacial ice cap in the north and a drastic change in the climate all over the continent. The changes in climate patterns affected the lives of the Native Americans, breaking their homogeneity. ²¹

Ecological changes such as the formation of deserts in the central and western parts of the continent led to the extinction of animals that lived on the savannas. Some Natives followed animals to the Arctic Circles, but the majority remained and began to combine hunting with the gathering of seeds, nuts, berries and roots in order to feed themselves. ²² They discovered processes that preserved food by drying it in the sun. They also developed techniques for hunting such as the wide use of jump-kill technique and hunting traps. Many of the characteristics of this age lived with the Native Americans until 1850 AD. This age was also marked by rich technology. The Natives' tools were made of stone, ivory, wood, bone and

²¹Ibid., pp. 17-21

²²Ibid., p. 21

copper. Learning to live with the changing environments was the theme of this The third era is called the Golden Age of American Prehistory. The major characteristic of this age is the adoption of agriculture. Up to this age, Native Americans developed mainly in advancing the material culture, but towards the end of the Archaic Age, many Native Americans adopted agriculture. It came to them from Mexico, and thus reached the Western Nations first whose environment was harsher.²³ In addition to agriculture, domestication of animals that started in the Archaic age continued. Southwestern peoples learnt pottery making from the Natives in Mexico. There was also an expansion of weaving technology and textiles from cotton. As a result of these developments, religion developed, assisting them in understanding the universe and finding ways to control their environment. Also such developments entailed changes in the shape of communities. Villages were formulated. People started living in pit-house Irrigation techniques were also adopted. In the east, however, people dwellings. did not diversify their culture so drastically. Although circa 1500 BC, eastern peoples reached the stage of cultural maturity, it did not reach the stage that the western part of the continent reached. People in the east adopted the bow and the arrow, pottery and limited agriculture. Their pattern of life, however, remained similar to that of the Archaic Age until the Europeans arrived. There were few exceptions of developed societies, but the majority lived in the same patterns of the Archaic Age. Between 1250 to 1500, lies the age that is called the Prelude to Imperialism. In this age a greater leveling process had been at work. Although many Native American groups continued to live at a high cultural level, they could not match the advanced communities of the Golden Age. In the west, the

²³Ibid., pp. 22-26

drought of 1276-1293 and the raids of the Athapascans from the north damaged the settlements and forced the peoples of the Golden Age to leave their homes. As for the eastern indigenous peoples, it is much more difficult to understand their history immediately before Columbus. Certain aspects of the Golden Age for some groups remained. Journals of the first European expeditions between 1539-1541 refer to some of the Golden Age cultural practices such as the practice of first fruit ceremonies, the green corn rite and preoccupation with death and burial. However, for the most of the eastern peoples, there is little evidence of a cultural This period appears a blank one. connection with Golden Age peoples. Speculations about what happened in it ranged from a conquest of annihilation by vandal type outriders to climatic deterioration that damaged the Golden Age culture to diseases that could have had wiped out peoples. What is important is that at the eve of the Europeans' discovery, the Native Americans were divided into hundreds of nations who spoke many different languages. These people pursued a variety of life styles. 24 What is also ironic is that a comparison of rates of cultural evolution in the New World with those in the Old World indicates that the Native American cultures developed faster from their appearance until about 7000 BC, but from that date Native Americans fell behind and continued in the stage of incipient agriculture for about 5000 years. Native Americans, especially the Maya, were more advanced in mathematics, and astronomy and in their calendar than the Greeks and the Romans.25

²⁴Ibid., pp., 28-35

²⁵Harold E. Driver, *Indians of North America*, p. 15.

Language:

None of the Native American Nations had a written language or an alphabet before Columbus' discovery in spite of the fact that there were about 300 languages spoken in North America in 1500. Today, more than half of these languages remain alive in the United States. Because languages were diverse, the different nations communicated through different means such as sign language, theatrical gestures, circulating a special belt of different colors to convey messages such as peace and war. What kept the tribal traditions were knots in strings, notches in sticks and the long memory of the elders. Certain domineering nations such as the Apaches imposed their languages on neighboring nations. ²⁶ It is worth mentioning that the different Native American dialects were classified into six major language groups for studying purposes. ²⁷

Native American Economy

"That the area later embraced by the United States was in the seventeenth century a virgin land to be occupied by intrepid Anglo – American pioneers is a myth. Peoples from Asia had pioneered this land perhaps as many as 50 000 years earlier. By 1500 the descendants of these pioneers were distributed in tribal clusters from the Atlantic to the Pacific, from the Great Lakes to the Rio Grande. They had occupied the land, learned its secrets, and formulated techniques to exploit its abundant resources at a rate sufficient to support themselves at a level of at least minimum comfort." 28

The Native American economy was diverse and strongly dependent on environmental conditions. Consequently, the economic situation determined the

²⁶Arrell Gibson, *The American Indian*, pp. 39-45

²⁷William T. Hagan, American Indians, p.3

²⁸Arrell M. Gibson., The American Indian, p 46

social models, religion and political systems of each tribe. The main profession for the Native Americans was hunting. Whenever the environment permitted, agriculture was practiced and was combined with hunting, fishing, gathering and trade.; otherwise, they depended on hunting alone. In the eastern parts, corn agriculture was predominant; gathering wild rice was the main source for food for the great Plains. Hunting buffaloes was the staple. In western areas, irrigated agriculture was the main support for the people.

Medicines from Nature

Through their long experience, Native Americans were able to develop useful knowledge of healing herbs. This art was practiced by women at households or by shamans (tribal healers) to treat different aches and disorders. 29 Americans thought that most ailments were caused by the supernatural and thus could be cured only by the aid of the supernatural. Medicine men used to mix a number of plants together into a single prescription to cure a certain ailment. Certain nations depended on single herbs to cure certain disease.³⁰

The Economy as a Cultural Determinant

The manner in which each nation supported itself had great impact on their religion, social and political systems. Some nations which relied on "gathering", wandered from one place to another looking for their food. Such nations remained tribes and did not develop a sense for a specific place. Nations that depended on agriculture were sedentary and lived in a specific land area and Their crops needed care and migratory nomadic life would not formed villages.

²⁹Ibid., pp. 46-47

³⁰ Harold E. Driver, Indians of North America, p. 429

allow this. The crops were sown, harvested, collected and stored so that they could be distributed on the whole community.³¹

This agrarian lifestyle created communities with complicated social systems meant to control and regulate individual behavior and to protect the group interests. The family was the basic unit in Native American society. Nations varied in marriage customs and in family structure, but the family was the setting for sexual relations and for having and raising children. In many nations, families clustered in clans* and moieties* which represented the base for political organization and religion in each nation.

The husband and the wife should belong to different clans. Native Americans practiced both monogamy and polygamy. As for polygamy, it could mean marriage of a male to more than one female, or polyandry which meant the marriage of one female to more than one male. The latter form was rare. Divorce was accepted and it entailed public declaration of the intent and living separately. Among the nations where women were powerful, they were able to divorce their husbands by removing his belongings from their habitation. The Native American family was either nuclear or extended but the latter was predominant. Some families were mother centered; others were father centered. The former was a characteristic of agricultural societies while the latter characterized those that were hunter-gatherer ones. In matrilineal families, the children were in the mother's clan and were raised by her brothers. In such families, children inherited their mothers' personal property. In patrimonial families, children were raised and inherited from their fathers. Males between the ages of 12 to 15 received

³¹Arrell M. Gibson, *The American Indian*, p 51

^{*} Clan: a cluster of related families claiming a common ancestor.

^{**} Moiety: a cluster of clans comprising a division, of one-half, of a tribe

special training from older men to help them become successful hunters and warriors. Their training included swimming, running and weapon use. As for young females, they were trained by their mothers to handle household skills, cooking, gardening, making clothes, and processing skins.

The main social model for the Native American peoples was the nation in which families clustered into clans. Each clan claimed a mythical origin and traced its genealogy to a common ancestor, *a totem*, which served each clan member as a patron saint and provided the name for the clan. Some clan names were animals such as buffalo, deer, eagle and raccoon. In large tribes, clans formed two divisions called moieties. In each moiety, tradition and prestige ranked clans. Religious, political and military leaders came from the highest clan in each moiety. ³²

Religion

As we have seen in chapter I, the European settlers who came to the New World came first as missionaries with the intention of saving the souls of heathens (the Native population). The militant Christianity brought by the settlers rejected all non-Christian religions, and considered them pagan. The Natives believed in the existence of an omnipotent force that creates and directs everything. They believed that everything in the physical environment was alive with the existence of various spirits. These spirits were either good or evil. The spirits should be placated in order to succeed in life. The Native American was related to all living things through his/her clan because this clan associated the Native through a supernatural link with an animal ancestor. The animal ancestor was a mediator that established contact with the person's deity and the spirits. Thus, Natives

³²Ibid., pp. 52-54

respected mother earth and all its elements as they related to their deity through the earth. Disharmony with nature could result in illness and death. All aspects of life were interpreted in light of religion. ³³

Religion was a means to prepare the person for the immortal state. It was used to predict the future, to provide explanation for natural phenomena and to ensure victory. Most Natives creation stories include a migration epic and an explanation of the after-life. There were priests who instructed the people and who led religious rituals. The priests, in addition to their religious tasks, served also as healers since illness was considered an attack by spirits. Many of the Native religions included a story of a hero who taught his followers their way of life.³⁴ In cultures where there were no religious organizations, there were no priest and shaman, magic and medicine dominated religion.³⁵

Political System

The Natives' political systems ranged from that of a wandering family to elaborate chiefdoms, theocracies and matriarchies. The clan or the family handled tasks of the government such as discipline and punishment. As for the tribal government, it constituted of a confederation of clans or towns that were self-governing. The resulting entity was the tribe "nation". The main reason for their confederation was to ensure protection. A council of elders ruled over each clan or town. A chief, selected by members of the council, led each council. The principal chief of the tribe held the highest role in the hierarchy and belonged to the ranking clan of the supreme moiety of the tribe. The National Council

³³Ibid., pp. 54-55.

Birzeit University - Main Library

³⁴Ibid., p. 56

³⁵Harold E. Driver, *Indians of North America*, p. 429.

consisted of all chiefs and respected and wise elders. The national chief called for meetings of the members of the National Council. The Council's role was consultative and responsible for policy formulation.

The land was used publicly, but private use of the land was also permitted. Citizens were asked to take part in building public places such as religious shrines and town councils. Crimes such as theft, homicide, blasphemy and adultery were punished. Vengeance was accepted and encouraged and the council ensured that the aggrieved family did their share in exacting proper retribution. In difficult times, certain tribes joined with each other in confederacies, especially during Considering this, the word tribe, so often used to refer to the Native Americans, does not do justice to their actual political formations. evidence to the inapplicability of this term is the "Great League" which refers to the permanent union formed between the five Iroquoian nations before the first settlers arrived.37

³⁶Ibid., p 56-57

³⁷Peter Nabokov, Native American Testimony An Anthology of Indian and White Relations, First Encounter to Dispossession, p. 3.

The Cherokee Nation

"After thus living for ages in peace and prosperity, the Cherokee tribe increased greatly in population. They built the cahtiyis {town houses} throughout the seven clanned national, organized on the broad principle of universal brotherhood, which included the whole world except the five lost clans."

From: A Cherokee Vision of Eloh38

"The Cherokees in their disposition and manner are grave and steady; dignified and circumspect in their deportment; rather slow and reserved in conversation; yet frank, cheerful and humane; deliberate and determined in their councils; honest, just and liberal and are ready always to defend their territory and maintain their rights."

The Cherokees inhabited their lands long before the United States existed. They occupied both sides of the south Appalachians summit regions. 40 Their homeland extended from what is known now as North Carolina into South Carolina, Georgia, Tennessee and eventually Alabama. 41 The Cherokees lived in towns and depended on agriculture but they also claimed hunting rights in Kentucky and Virginia. 42 The entire range of hunting area claimed by the Cherokees encompassed 40,000 square miles. 43 According to modern archaeologists, the Cherokees lived on this land for thousands of years before the white man

³⁸James Wilson, The Earth Shall Weep, Atlantic Monthly Press, New York, 1998, p. 137

³⁹John Ehle, *Trail of Tears The Rise and Fall of the Cherokee Nation*, pp.1-2

⁴⁰Daune H. King, Introduction in Daune H. King. Editor, *The Cherokee Indian Nation A Troubled History*, The University of Tennessee Press: KNOXVILE, 1979, p. ix

⁴¹Theda Perude and Michael D. Green, Editors, *The Cherokee Removal A Brief History with Documents*, Bedford Books of St. Martin's Press, New York, 1995, p1

⁴² John Ehle, Trail of Tears The Rise and Fall of the Cherokee Nation, pl

⁴³Duane King, Introduction, The Cherokee Indian Nation, A Troubled History, p ix

appeared on the scene. 44 The Cherokees were divided into three general divisions: "the Lower Towns along the upper Savanna River in South Carolina; the Middle Towns occupying the Upper Little Tennessee River and its tributaries in Western North Carolina; and the Upper – or Overhill- Towns in Eastern Tennessee and extreme western North Carolina." There are some scholars who divide the Middle Towns into a fourth division that they call the Out-Towns which lay in the north and east of the others. 46

Origin: There are many stories that the Cherokee Nation use to explain their creation and reality. The Cherokees believe that their homeland was created by the little water beetle that escaped from an endless sea by diving to the bottom and bringing up mud. Mountains and valleys were shaped by the great buzzard when his wings touched the soft earth. The land was inhabited by the first man and woman, Kana'ti and Selu. The Cherokees' way of life was forged by Kana'ti and Selu, their son and unnatural Wild Boy, who had sprung from blood that Selu washed from dead game. The two children spied on Kana'ti and Selu and found that Kana'ti obtained the family's meat from a covered cave that was full of game. The boys removed the rock that covered the cave and the animals ran away. Thus, for their substance, Cherokee men were doomed to toil in hunting. When the boys discovered that Selu produced corn by rubbing her stomach and armpits, they feared she was a witch and decided to kill her. Realizing what they were planning, Selu asked them to swing her body in a clear circle seven times.

_

⁴⁴John Ehle, Trail of Tears The Rise and Fall of the Cherokee Nation, p.1

⁴⁵Charles Hudson, *The Southeastern Indians*, The University of Tennessee Press: KNOXVILE, 1976, p. 180

⁴⁶John R. Finger, *The Eastern Band of the Cherokees 1819-1900*, The University of Tennessee Press: KNOXVILLE, 1984, p. 3

Wherever her blood dropped, corn grew. The boys dragged her body only twice and thus fertile lands in the Cherokee are limited. Cherokees relied on the farming of vegetables such as corn, beans, squash and other crops and on the hunting of rabbits, deer, and turkey.⁴⁷

According to another legend, a coalition of other native nations including their kinsmen, the Iroquois, had driven the Cherokees out of the North. There are certain indications that lend plausibility to this legend such as the similarities in Cherokee and Iroquois languages and the animosity between the two peoples. However, this exodus must have happened long time ago since archaeological data proved that the Cherokees had lived in their homeland for at least one thousand year before Columbus. 48

The history of the Cherokee nation in their homeland raises debate and speculation. Some writers believe that the Cherokees came to this area only shortly before the white contact. Such writers adopted these ideas, noting that the Cherokees spoke a different language than their neighbors, had several migration legends, and were unable to explain the origins of the artificial mounds upon which their townhouses were built. Meanwhile, archeologists such as Cyrus Thomas, who investigated the mounds in eastern Tennessee, have proposed that the ancestors of the Cherokees had lived in their homeland since the late thirteenth century. Archeological investigations continued through the beginning of twentieth century and by 1960, archaeological findings showed that the Cherokees had a long and relatively unbroken existence in that area. There was also a

⁴⁷Theda Perude and Michael D. Green, editors, *The Cherokee Removal A Brief History with Againets*, pp. 1-2

John R. Finger, The Eastern Band of the Cherokees 1819-1900, p. 3

⁴⁹Cyrus Thomas, *The Cherokees in Pre-Colombian Times*, New York, Holges, 1890.

recognition that the developing Cherokees participated in the generalized Missisipian pattern of the South Appalachian Province.⁵⁰

The Cherokees lived in villages that consisted of several homesteads of buildings. Summerhouses were large rectangular ones with wooden sides and roofs while winter houses were small, round ones made of mud. The Cherokees lived in extended family forms and the society was matrilineal. The wife owned the house and the field. Thus, the people living in the household would be the woman, her husband, her daughters and their husbands, her daughters' children and any unmarried sons. Kinship was defined by membership in one of seven clans and intermarriage within a clan was prohibited. Clan status was inherited through the mother.⁵¹ Large fields were cultivated by the women who worked together and moved from one family's part of the field to another's. Men would leave the village during the winter hunting season. The council house was the core of each village. Council houses were the meetings places for the members of the village. People gathered here to discuss important issues and for ceremonies. For the Cherokees, the decisions had to be arrived at by consensus. Thus, their discussions would continue until everyone agreed or the people who opposed withdrew from the discussion. 52 Everyone had the right to express his/her opinion but some opinions held more weight than others such as those of warriors and women who lost their husbands or sons in war. In the Cherokee community,

⁵⁰Roy S. Dicjens, Jr. The Origins and Development of the Cherokee Culture, in Duane H. King, editor, *The Cherokee Indian Nation*, p.11

⁵¹John R. Finger, The Eastern Band of the Cherokees 1819-1900, p.5

⁵²Theda Perdue and Michael D. Green, Editors, *The Cherokee Removal A Brief History with Documents*, p. 2

leadership was earned rather than inherited. There was no prince, king or leader in the European sense. 53 Each Cherokee town was an autonomous unit. 54

War was a major concern for the Cherokees as well as for other Native American Nations often due to the shared hunting areas. Quarreling over the hunting grounds resulted in casualties. Like other Native Nations, avenging the death of colleagues was a duty. In the case of the death of one or two people, the responsibility laid on their relatives, but if there were many casualties, the whole community had the duty to avenge. 55

The Cherokees view of life was one of equilibrium where opposites balanced each Hunting, for example, balanced farming; men balanced women and non-Therefore, when a non-Cherokee killed a Cherokees balanced Cherokees. Cherokee, the state of balance was destroyed and needed to be restored. To do so The Cherokees also believed that failure to one of the guilty group must die. avenge could lead to disasters such as diseases or draught. Cosmic order could only be restored through vengeance; therefore, the Cherokees did not destroy villages nor occupy land in their wars. Protection, restitution and retribution sprang out of the clan. 56

Cherokee religion was not separate from the tasks of their daily lives. example, they bathed daily to maintain spiritual as well as physical cleanliness. In

55 Ibid.

⁵³John R. Finger, *The Eastern Band of the Cherokees 1819-1900*, p. 4

⁵⁴Theda Perude and Michael D. Green, The Cherokee Removal A Brief History with Documents,

⁵⁶Ibid., pp. 3-4

hunting, they asked pardon of their prey's spirit before killing it, and they offered its liver to the fire. 57

Before encountering the white Europeans, the Cherokees, as well as other Native Americans, encountered Europeans diseases. The Cherokees, who were not immune to disease such as smallpox, typhus and measles, lost many of their population before the actual encounter with the white man. Cherokees was estimated at more than 30 000 before the introduction of the European diseases. In 1700, however, by the time of the first contact, the Cherokee population had been reduced to about 16 000 people.⁵⁸ Some sources estimate their number at this time somewhere between 20,000 - 25,000.59

Language: In their first contacts with the Cherokees, Europeans noted three different dialects corresponding to the major divisions in which the Cherokees The Elati dialect was spoken in the Lower settlements; Kituhwa dialect in the Middle settlements and Otahi dialect in the Western settlements. 60

During the early nineteenth century, a Cherokee genius, George Guess, Sequovah, converted his nation's spoken language into written form. He used eight-six syllabuses which are known as the Cherokee alphabet. This language is still taught in some schools where the Cherokee live today. And the Cherokee continue to publish books and newspapers in their own language. 61

This brief presentation on Native Americans in general, and the Cherokees in particular, refutes the US and settlers' allegations that the Natives were nomadic

⁵⁷Ibid., p. 4

⁵⁸ Ibid., p5

⁵⁹John R. Finger, The Eastern Band of the Cherokee 1819-1900, p. 4

⁶⁰Duane H. King, Introduction in Duane H. King, The Cherokee Indian Nation, p. ix

⁶¹ Arrell M. Gibson, The American Indian, p. 44

savage and barbarian tribes without cultures. It is true that of 300 different nations, some were nomadic tribes, but this does not negate the fact that they had rich cultures and long histories on the land. Theodore Roosevelt, the American President who believed in the idea of race, could not deny the fact that some nations were as good as the white people. This, however, did not prevent him from applying the concept of race in dealing with the Natives which permitted him to make broad generalizations about *Indian racial character*. In his book, *Ranch Life and the Hunting Trail*, he makes this generalization:

"An upper class Cherokee is nowadays as good as a white. The Nez Perces differ from the Apaches as much as a Scotch laird differ from a Calabrian bandit. A Cheyenne warrior is one of the most redoubtable foes in the whole world; a "dagger" Snake one of the most despicable. The Pueblo is as thrifty, industrious and peaceful as any European peasant, and no Arab of the Soudan is a lazier, wilder robber than is the Arapaho." 62

The arrogance of the white, western, Christian settlers prevented them from accepting the Natives' way of life as a different culture. The Natives represented a completely foreign culture that was considered savage and the antithesis of western civilization. Thus, this different culture, considered as savagery, would have to disappear in order for true civilization to spread over the entire continent. In actual relations between the two peoples, this meant that steady pressure must be used in the effort to acquire more Native lands. The type of pressure did not matter as long as the mission was accomplished. Thus Theodore Roosevelt said

"Whether the whites won the land by treaties, by armed conquest, or, as was actually the case, by a mixture of both, mattered comparatively

⁶²Thomas G. Dyer, *Theodore Roosevelt and the Idea of Race*, Louisiana State University Press, 1980, p. 71

little so long as the land was won. It was all important that it should be won for the benefit of civilization and in the interest of mankind."63

The Palestinians:

"But there are Arabs in Palestine! I did not know ...!"

Attributed to Max Nordau, 1897

In the coming few pages, a brief background information about the Palestinians, their origins, history and culture mainly in the period that preceded the Zionist settlement process will be provided. There is a need to shed light on the elements that make the Palestinians a people in the political as well as the legal sense of the word. What stems from such a fact are rights granted by the principles of international law. Again, the aim of such presentation is to refute the settlers' claims regarding the nature of Palestine and its people. After all, one of the Zionist movement's primary slogans was "a land without people for a people without land."

Old history books relate the name Palestine with a traditionally known people by "the peoples of the sea". According to Egyptian inscriptions of 1193 BC-1162 BC, those peoples were defeated by the Pharos in that period. According to archaeologists, their name is "falsto" or "filsto". Other Egyptian inscriptions mention the same people but date their defeat to 1290 BC – 1224 BC. Other sources say that they come originally from Crete. The author, however, shows that weakness of such theories for he emphasizes that the region called Palestine was known a long time ago and that its roots could not be traced. Archaeological investigation, however, showed that its people are part and parcel of the other

⁶³ Ibid., p. 76

^{64 ;} ياد مني، مقدمة في تاريخ فلسطين القديم، ط1، بيسان للنشر والتوزيع والإعلام، كانون الثاني 2000، ص 45

people who inhabited the Levant. 65 Human beings lived in the land of Palestine since the very early ages. Archaeological data in southern Nazareth and Tiberias also show that man lived there ten of thousands of years ago. Apparently in the late seventh and the beginning of the sixth millenium BC a people characterized short inhabited the land of Palestine. This people have much in common with the peoples who inhabited Syria and Lebanon. They depended on farming and domesticating animals for living. People were concentrated in agricultural centers of which the oldest known is Jericho. 66 In the fifth millenium before Christ, the people who lived in Palestine knew pottery. During the fourth millenium before Christ wood trade expanded between Lebanon, Syria and Iraq and thus the industry of making colored pottery was imported from Iraq. Such carved pottery was found in the area of Jericho. Pottery making is usually associated with villages and towns and the fact that it was made and used in Jericho at that time means that Jericho was one of the oldest inhabited villages. The development of agriculture between 4000 BC - 3000 BC led to an increase in population and to the establishment of new villages. At this time, tools were made mainly of stone, but people knew copper and used it to cut large stones that were used to build walls and graves.⁶⁷ During the third millenium before Christ, a people of a very ancient culture in Palestine known to the Babylonians and the Egyptians as the

4

⁶⁵ المصدر السابق، ص 46

⁶⁶ بدون مؤلف، القضية الفلسطينية والخطر الصهيوني، ط1، مؤسسة الدراسات الفلسطينية وقيادة الجيش اللبناني الأركان العامة،

بروت، 1973، ص 17.

⁶⁷ المصدر السابق، ص 18.

Amorites built Jerusalem and called it Jerus, the city of the Amorite God Uru. The name, which was applied later, Jerusalem meant the house of URU. 68

What characterizes the old archaeological Bronze Age in this area are the collective waves of migration that began from the Arab Peninsula to different areas in what is known now as the Fertile Crescent and Egypt. Among the old migrating tribes were the Canaanites who settled in Lebanon and Palestine in around the end of the fourth and beginning of the third millennium before Christ. 69

All migrating tribes belonged to the same nation and had the very same origin, i.e. the Arab nation. They shared the same religious and linguistic culture. However, with time each group developed its own dialect and traditions to adapt with new The Canaanite (Canaanite mean merchant) wave to Palestine was one of the largest migrating waves. They lived in Palestine and became its indigenous people. 70 The Canaanites were mostly farmers who settled in the plains' area and cultivated land. Another wave of immigration brought the Amorites to Palestine through Syria and Lebanon. The Amorites were mainly shepherds and thus they settled in mountains.⁷¹

In the third millenium before Christ, independent cities were built. Cultural aspects evolved around the city which represented the center. People depended mainly on agriculture, but worked also in trade. The donkey was the main means of transportation. Bronze was used in Palestine in around 3000 BC. People at

.99 .0

⁶⁸Khalid Kishtainy, *Palestine in Perspective*, Palestine Liberation Organization, Research Center, Beirut, May 1971, p. 23

⁶⁹ يوسف محمد يوسف القراعين، حق الشعب العربي الفلسطيين في تقرير المصير، دار الجليل للنشر، عمان، كانون أول 1983،

⁷⁰ المصدر السابق، ص 100 ⁷¹المصدر السابق

that time dug irrigation networks and wells. An example of the culture that spread in Palestine in is the Canaanite town of "Jazr", near modern day Ramla. Archaeologists found a city surrounded by walls with towers that reached 12 meters in height. In the center of the city, stood the ruler's palace. The palace's walls were smooth. The roads of the city were narrow and winding. The city depended on rainwater and on nearby spring. The inhabitants of the city, fearing wars, dug a tunnel to draw the spring's water to their city. Utilizing the Egyptian ploughs, they produced corn and vegetables and they raised goats. They also knew about the weaving machine and used it. The Canaanite cities trade relations with Egypt were strong, importing jewelry and ivory. They worshipped different gods among them the goddess of fertility.⁷²

Between BC 2000-BC 1500, new waves of immigration brought new people to the area such as the Hexes who occupied Egypt through Palestine. The Hexes were a combination of different people but mostly Semitic. They established a large empire that included in addition to Egypt and Palestine Lebanon and Syria. After the Hexes left Egypt, the Egyptian empire and the Heathen empire were established in Egypt and Syria respectively. The area was divided between the two empires and thus middle Syria, Lebanon and Palestine were ruled by the Egyptian empire. Around BC 1200, the Peoples of the Sea arrived at the shores of southern Palestine and then spread to the north and took over "Marj Ibn Amer" in the Galilee. Some historians and scholars suggest, as mentioned earlier, that these people come from islands in the Mediterranean, mainly Crete; other historians, however, do not accept this suggestion. The newcomers were called Philistines and they gave the land its name after theirs. Some of the major cities that the

⁷² بدون مؤلف، *القضية الفلسطينية والخطر الصهيوي، مصر* سابق، ص 18

Philistines established are Gaza and Ashdod.⁷³ The Philistines brought with them the industry of iron smelting and welding.⁷⁴ Around the same period, the Hebrew tribes arrived in Palestine and occupied its mountains. The Canaanites were still living in the area between the Philistines in the coastal strip and the Hebrew tribes in the mountains. Each group lived independently and wars took places between them. The Philistines were very organized; they took over large Canaanite cities and built new ones that controlled the trade route between Egypt, Phoenicia and Syria and thus became very rich.⁷⁵

The Hebrew tribes are a mixture of different peoples that come from areas such as Hauran and other places in Syria and Iraq and the Arab Peninsula. After settling in Palestine and being in contact with the Canaanites, the Hebrew tribes learned agriculture, horse riding and the use of iron and laws. War activities carried out by the Hebrew tribes were not connected nor organized. Each tribe worked independently. Thus, there was no connection between the Hebrew war activities in the north and those in the south. ⁷⁶

The Hebrew tribes who came to Palestine were still living in styles that belonged to the Bronze Age while the Canaanites and the Philistines were living in more advanced ways that belonged to the Iron Age. The Canaanites lived in houses, used chariots of iron, used the wheel and used iron implements and thus were much more advanced than the Hebrews. Under the pressure of their rivals, the Hebrew tribes united in around BC 1025 and formed their first kingdom with

⁷⁴Khalid Kishtainy, *Palestine in Perspective*, p. 25

⁷³ المصدر السابق، ص 20

⁷⁵ بدون مؤلف، القضية الفلسطينية والخطر الصهيوي، مصدر سابق، ص 20

⁷⁶ المصدر السابق، ص 20

⁷⁷Khalid Kishtainy, *Palestine in Perspective*, p. 24

Shaul their king. King David, their second king, occupied Jerusalem later on and expanded the borders of his kingdom to the east and to the south. King Solomon succeeded him. After King Solomon, the kingdom was divided into two parts: Kingdom of Israel and Kingdom of Judah which were fighting all the time. 78 What is important here is that as much as the world sees Palestine as being the land of Israel, the Hebrew peoples did not contribute much to the civilization of They, on the contrary, learnt a great deal from its original people. Palestine. Even for the famous Solomon's architectural monument, the temple, the king depended on foreign experts, mainly Canaanites, to design the building.⁷⁹ The culmination of the Hebrews achievement was Judaism's commandments, morality, poetry and the stories of human creation although neighboring cultures had influenced the Old Testament.80 Historians reinforce that Palestine maintained its indigenous components of Arab Canaanite and Philistines culture and language and that the Hebrews did not leave any cultural or political impact in the history of Palestine outside the world of religion. 81 The Kingdom of Israel was defeated in BC 722 by the Ashorian Serjon while the south Kingdom of Judah remained until BC 586 when Nebuchadnezzar captured Jerusalem and deported its upper and middle classes. 82 Palestinians as well as all Arabs believe in what fact in response to the Zionist claim to Palestine,

"{The reign of the early Hebrews} was short-lived, unstable, intermittent, long extinct, based on noting better than the right of conquest and subject to the condition that there should have been

78 بدون مؤلف، القضية الفلسطينية والخطر الصهيوني، مصدر سابق، ص 21.

⁷⁹Khalid Kishtainy, *Palestine in Perspective*, p. 27.

⁸⁰ Ibid., p. 30

⁸¹ يوسف محمد يوسف القراعين، مصدر سابق، ص 103.

⁸² Khalid Kishtainy, Palestine in Perspective, p. 31

national or racial affinity between the Hebrews of 4,000 years ago and the Russian, Polish, American and European Jews of today."⁸³

In BC 331, Alexander took over the East and thus it fell under the magic of classical culture.84 Palestine eventually fell under the rule of the Ptolemies and Seleucids until it was incorporated within the Roman Empire in BC 63 after Pompey's victories in Asia Minor. The Hellenistic culture left its impact on the organizational administration of Greater Syria and the area enjoyed an era of peace and tranquility. 85 The Graeco-Roman period was marked by "articulate laws, effective judicature, massive empire market, together with increased use of coinage, standardized measurements, maritime monetary means, new facilities..."86 Palestine, however, did not share much of this economic and cultural development because the Jews were against the Hellenisation of The Jews did not want to be harmonized in a new order and they did Palestine. not want to live in tolerance which led Hadrian to eliminate the Jewish autonomy and to remove the Jews in 135 AD. Jerusalem was given the name Colonia Aelia Capitolina after it was reconstructed and filled with baths, theaters, and status.87 The Romans added new towns such as Caesaria and Nablus with new styles. After the Roman Empire embraced Christianity in AD 312, Palestine gained new importance as the birthplace of Christ. This age was marked on the ground by the building of churches and the destruction of temples. Thus, the Nativity Church and Church of the Holy Sepulchre were built. Palestine was occupied by the

⁸³James Ciment, Palestine/Israel the Long Conflict, Facts on File, Inc., New York, 1997, cit., p.

⁸⁴ بدون مؤلف، القضية الفلسطينية والخطر الصهيوني، مصدر سابق، ص 24

⁸⁵Khalid Kishtainy, *Palestine in Perspective*, p. 32

⁸⁶ Ibid.

⁸⁷Ibid., p. 33.

Persians in AD 615, but it was restored in AD 629 by the Byzantine who were famous for their use of mosaic in their building. Arabs before Islam were not strangers to the Arabs of Palestine for they came to it for trade. The Ghassanids were living to its north with al-Jabiah, their capital, in the Golan Heights. They shared the same faith for they were all Christians. Arab Muslims entered Jerusalem in AD 637 and Caliph Omar Ibn Al-Khattab led his followers to it after he received its key from its Patriarch, Sophronius. The Caliph gave a pledge to the city's Christian inhabitants granting them security.88 By AD 640, all of Palestine was under the rule of the Muslim Arabs. 89 The Arab Muslim conquest of Palestine is considered by some historians as a war of liberation because many of the people who lived there were Arabs who fought side by side with the Muslims against other occupiers. 90 Jerusalem and Palestine held a major importance for Islam since Jerusalem is the first Qibla (center of worship) of Islam and the third holy mosque in their history. According to Islam, Prophet Mohammed ascended to heaven from Jerusalem.91 During the rule of the Umayyad dynasty, administration was Arabized, mosques and cities were built such as the Dome of the Rock and Ramla. 92 Palestine prospered and developed during the Umayyed rule. During the Abbasid reign, some Palestinians converted to Islam and many others remained Christians. The Arabic language spread totally among the people of Palestine in this period. 93 In 1109, the long peace that

⁸⁸Ibid., p 37.

⁸⁹ بدون مؤلف، القضية الفلسطينية والخطر الصهيوي، مصدر سابق، ص 31

⁹⁰ Khalid Kishtainy, Palestine in Perspective, p. 38

⁹¹Ibid., p. 39.

⁹² بدون مؤلف، القضية الفلسطينية والخطر الصهيوي، مصدر سابق، ص 32.

⁹³ المصدر السابق، ص 34.

Palestine enjoyed came to an end with the invasion of the Crusaders. After taking Jerusalem, the crusaders massacred around 70,000 Arabs. They converted many of the mosques into churches. Although the Crusaders had a bloody history, they also added to the culture and civilization of Palestine for they opened new roads, introduced industries and organized taxation and ports. Saladin restored Palestine and overthrew the Crusaders in 1187. Jerusalem was renovated after the war; schools and a hospital (Bimaristan) were opened in it. It was not long after liberating Palestine from the Crusaders that the Mongols under Holaku marched into it. The Egyptian army fought the Mongols in Ein Jalut in 1259 and defeating them, but they were not expelled until 1291.

In 1516, Palestine was conquered by the Ottomans and remained under their rule until 1918. Palestine was divided into provinces whereby Jerusalem, Nablus and Gaza were part of Damascus villyah; Acre was part of the state of Sidon. The Turks imposed high and overburdening taxation on the people. Meanwhile, international trade decreased since the route around Africa, Cape of Good Hope, was discovered. Provinces was discovered.

Palestine, Syria and Egypt had always been at the center of civilization; however, only after 1516 did their civilization regress. 98

Once again, Palestine witnessed another occupier. This time the invader came from France in 1798. Napoleon Bonaparte wanted to ensure his control over the Mediterranean and thus his troops occupied Egypt and then marched to Palestine

96 بدون مؤلف، القضية الفلسطينية والخطر الصهيوني، مصدر سابق، ص 43

⁹⁴Khalid Kishtainy, Palestine in Perspective, p. 47

⁹⁵ Ibid. p. 65.

⁹⁷ المصدر السابق

⁹⁸John Bagot Glubb (Glubb Pasha), Peace in the Holy Land An Historical Analysis of the Palestine Problem, Hodder and Stoughton, London, 1971, p. 235

but failed at the walls of Acre. Ahmad Basha al-Jazzar defended the city and thus the campaign failed. However it opened the door for future European intervention. 99

Another campaign was launched on Palestine by Mohammad Ali Pasha in around 1832. His son Ibrahim headed the troops that took over Palestine, Syria, and Lebanon. Although Ibrahim Pasha made administrative reforms and disarmed the notables, he increased taxes which made the people hate him and his rule. By 1840, the European countries (Britain, Prussia, Austria and Russia) forced Mohammad Ali to withdraw his forces back to Egypt. Thus, the Ottomans restored their authority over Palestine, Lebanon and Syria. 100

During the Ottoman rule, Palestine was not a single administrative unit, but for most of the period was part of the province of Syria. Palestine was divided into three sanjaks, i.e. districts. The first one, the Jerusalem Sanjak covered virtually all of cultivated Palestine from Jaffa southwards; the second was the Sanjak of Nablus, covered the central area from the coast eastwards and the third, the Acre Sanjak, comprising Haifa eastward to Nazareth and Tiberias. In 1887, the Jerusalem Sanjak no longer a part of administrative Syria became directly responsible to Istanbul. The other sanjaks became part of the province of Beirut in 1888. During the Ottoman period, Palestine was always referred to as the area west if the River Jordan. 101

During the nineteenth century, the vast majority of the population were peasants.

Peasants lived in villages and in extended family form (hamulas). Their identity

⁹⁹Glubb Basha, Peace in the Holy Land An Historical Analysis of the Palestine Problem pp. 236-

¹⁰⁰ بدون مؤلف، القضية الفلسطينية والخطر الصهيوي، مصدر سابق، ص 44

David McDowall, *The Palestinians the Road to Nationhood*, Minority Rights Publications, London, UK, 1995, p. 5

was largely defined by their village or religion. Another category of the population was Bedouin who practiced "their pastoralism on an increasingly sedentary rather nomadic basis". 102 Bedouins inhabited mainly the Naqab desert, the Jordan valley and parts of the Galilee. The final category of the population were the landowning families. All land belonged to the Sultan in theory; few families owned land. The owning manifested in controlling the land and its inhabitants by headmen appointed by the government (mukhtars) or family tribal They gained their authority because they were responsible for heads (Shaykhs). collecting taxes and for lending money. There were smaller as well as larger Smaller landlords lived locally and were involved in their villages landlords. while larger landlords (those who owned about 9000 dunums at a time when an average peasant owned 50 dunums) lived in towns. Each town was famous for a certain product. Nablus, for example, was famous for soap; Hebron for glass; Gaza for rugs; Jenin for charcoal; and Majdal for weaving. Notable classes consisted of religious leaders and merchants. The population consisted of Christians, Muslims and Jews. 103 95% of the population were Arab (Christians and Muslims); 1% foreigners, and 4% Jewish. 104

The last period of Ottoman rule witnessed the establishment of roads and railways. This period also witnessed European penetration to Palestine. At the beginning, most European visitors came for religious purposes. Nineteenth century Palestine validated holy scripture with its native scenes, shepherds, desert, ... etc. Missionary and political impulse, meanwhile, made Palestine an area for

102 Ibid.

¹⁰³Ibid., p. 6

¹⁰⁴ بدون مؤلف، القضية الفلسطينية والخطر الصهيوي، مصدر سابق، ص 44

¹⁰⁵ المصدر السابق، ص 47.

Russia (Orthodox), and France (Catholic) struggled for influence through establishing mission schools and protective right over Orthodox and Catholic communities. 106 At the political arena, the Ottoman Empire was under strong European pressure to adopt reforms. Major manifestations of these reforms were the Land Code of 1858 and the Vilayet Law of 1864 which aimed at reasserting government authority. What they did, however, was to strengthen the grip of landlords over land and confirm a local elite. The Land Registration Law of 1871 reinforced the magnate class. The Ottomans wanted to register the land so that they could collect taxes and to conscript the young men. In order to avoid taxes, the peasants sold the title to the land at nominal prices to notables who expanded their landholdings dramatically. In addition to this law, foreigners were granted the right of purchasing land in 1867. European penetration had other effects on the lives of the local community. There was first the introduction of steamship services, import of European commodities such as the Manchester cotton goods, the export of wheat and other crops to Europe. 107

During the late stage of the Ottoman period, the Palestinian community had many elementary and preparatory schools and several secondary schools; in addition to many private schools and teacher colleges. Many Palestinians studied in Istanbul, France and Britain for higher education. During the British Mandate that ended the Ottoman rule, many Palestinians were graduates of law, arts, administration and medical schools. The Mandate administration offered such graduates high positions in its different sectors. Educated Palestinians also took part in the secret societies that called for the independence of Arab provinces from the Ottoman

¹⁰⁶ David McDowall, The Palestinians the Road to Nationhood, p.p. 6, 7

¹⁰⁷Ibid., p.7

Empire. They also took part in the struggle for democratic rule until 1908 when the revolution of the Committee of Union and Progress restored the constitution. A Jerusalemite Palestinian, Yusuf Khalidi sat in the Ottoman Parliament. Awni Abd al-Hadi and Rafiq al Tamimi from Palestine were among the Arabs who formed the secret society "Al-Arabia al-Fatat". 109

In 1917, the British forces arrived in Palestine. Part of the British military success was attributed to the Arabs' revolt against the Ottomans; thus fulfilling their commitment of the correspondence between Sir Henry McMahon and King Hussein of Arabia. 110 Palestine was put under the British Mandate.

According to Article 22 of the League of Nations Covenant, mandate was defined as:

"peoples not yet able to stand by themselves under the strenuous conditions of the modern world (should be entrusted as) a sacred trust of civilization to advanced nations... Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized... The wishes of these communities must be a principal consideration in the selection of the Mandatory". 111

The British were interested in Palestine for several reasons that could be summarized in self-interest, self-deception and idealism. The British wanted to ensure their hold over the Suez Canal and the newly discovered oil fields. They believed that helping the Jews who wielded enormous economic and political power especially in the United States would help them usher the US into World

¹⁰⁸ بدون مؤلف، *القضية الفلسطينية والخطر الصهيوي، مص*در سابق، ص 47

¹⁰⁹ Khalid Kishtainy, Palestine in Perspective, p. 73

¹¹⁰James Ciment, Palestine/Israel The Long Conflict, Facts On File, Inc., New York, 1997, pp.

¹¹¹ Glubb Pasha, Peace in the Holy Land An Historical Analysis of the Palestine Problem, p. 279

War I. Many British Protestants were Judeophiles (Christian Zionists) who believed that it was the duty of Christians to return the Jews to Palestine. 112

The Mandate period was another circle in the long, yet continuous chain of the history of Palestine. The indigenous people of Palestine increased naturally. Vaccination introduced by the British increased the population as it decreased the death rate among children. Migration towards cities also increased during the period of the Mandate and in 1944, urban dwellers reached 825800. 113

All the previous historic developments formed Palestine at the end of the nineteenth and the beginning of the twentieth century. Such developments formulated the social, economic, political and religious characteristics of Palestine and Palestinians. The social condition in Palestine during the period that preceded the Zionist immigration at the end of the nineteenth century is another important factor to this study. Palestine did not lack political experience before the Mandate and the Zionists. The opinions of the middle class and the landlords were conveyed and applied through the principle of (ash-Shura) (consultation). The (Ashraaf) (noblemen) of each town that included the merchants, the religious leaders and the heads of the clans and aristocratic families were the principal source of consultation. The Ashraaf, who were self-appointed enjoyed direct access to the governors and their advice helped in directing the local When local governors overlooked the Ashraafs' advice they administration. protested and made their voices heard in Istanbul through telegrams and through travelling to the Ottoman capital. The nobles had the capacity to get certain local administrators removed if they did something that made them angry. Their voice

¹¹² James Ciment, Palestine/Israel The long Conflict, p. 29

¹¹³ ماهر الشريف، تاريخ فلسطين الاقتصادي - الاجتماعي، ط1، دار ابن خلدون، بيروت، 1985، ص 100

had weight because of the religious nature of the Ottoman Empire and the importance of Jerusalem to Islam backed their positions. Representation in the administrative council was the second channel for conveying the Palestinians' views in running their country's affairs. The council consisted of 12 members (Six Muslims; two non-Muslims and four liable to election). After 1908 reforms, Palestine had a representative to the Ottoman Parliament. The impact of such representatives was sensed through the official Ottoman policies against the Zionists. Palestine enjoyed the existence of several newspapers such as "Filistin" and "al-Karmel" which were of nationalistic nature and opposed the Zionists' The national position of Palestinian Arabs at the end of the stands and policies. nineteenth century was one that rejected the Zionists schemes of displacing the Arabs and taking their land. They believed that Zionism was a spearhead of colonialism, and considered compromise and European Capitalism and negotiations with the Zionists treason. Palestinian nationalists were engrossed in the fate of the whole Arab nation. As mentioned earlier, many of them helped found the two secret societies that led the Arab Revival Movement. Post and telegram services were present in Palestine. Courts were also organized and classified into the different types of courts that exit to this day. Education was also important. Many missionary schools were opened by the different Christian denominations, and Islamic and Jewish schools were opened in response to such By 1914, the district of Jerusalem had 95 primary schools in addition to three rushdiyya schools. Those schools accommodated 234 teachers and 8248 students; 1480 of the students were girls. There were also 379 traditional schools in which 417 teachers worked and 8705 students learnt. In spite of the fact that the learning standard was not satisfactory, Palestine was one of the most advanced countries outside Europe in terms of the ratio of literacy and the number of

students attending school. The Palestinian society suffered from serious health problems and periodic epidemics of cholera, smallpox and plague that killed thousands of people. The different European powers opened clinics and campaigns were launched against such diseases which helped in overcoming such Zionist settlers suffering from tuberculosis brought the disease to diseases. The Palestinian society was one that was marked by beauty and Palestine. creativity which is manifested in buildings, house contents, women clothes and The gap between the different classes in the society was narrower in dancing. Palestine than it was in other countries such as Iraq. Women worked side by side in the fields with men during the day and danced "dabkeh" (folkloric dancing) with them in the evening. Followers of the three monotheistic religions were living in tolerance until the intrusion of the protection of privileges by the imperialist powers. 114

New factors, however, were introduced to the scene. The main factor being the Jewish immigration to Palestine which was facilitated by the British Mandate and will be the focus of studying in the next chapters.

The previous short, yet condensed of a very long and changing history of Palestine and its indigenous people aims to challenge the Zionist claim regarding the absence of any meaningful Palestinian existence before the arrival of the new Jewish immigrants in 1882. The Arab existence in Palestine is a connected chain since the Canaanites and the Philistines. The Palestinian people have developed and grown since that time. They mingled with other peoples who invaded or traded with their country, yet this was the only land they knew. As we have seen, the country was never empty neither of people nor of civilization. The famous

Birzeit University - Main Library

¹¹⁴Khalid Kishtainy, Palestine in Perspective, pp 99-108

Zionist slogan "a land without a people for a people without a land" is merely "a manifestation of wider European intellectual network characterized by chauvinistic, nationalist, racial superiority and imperialistic ambitions". There was no need for making the desert of Palestine bloom. It was blooming with its long history of civilization and it was in the process of developing in the hands of its own people. Its "fellah", "peasant" "was neither lazy nor unintelligent. He is a competent and capable agriculturist, and there is no doubt that were he to be given the chance of learning better methods, and the capital which is a necessary preliminary to their employment, he would rapidly improve his position". ¹¹⁶

The approach I adopted in presenting the Palestinian history differs from the approach that I used in introducing the Native American history, but the bottom line is that both places had peoples of them who made actual and constant use of their land. Palestine has had a long and unique history of occupation and was known since the beginning of humanity by the surrounding countries while the New World was totally new to the white colonialist culture. As much as the two ancient histories of Palestine and the American continent differ, there are so many factors in common. The main difference can be summarized in that while America was relatively secluded and unknown to the other cultures, Palestine had witnessed a long history of interaction with the surrounding cultures including the western one. The minute the "New World" was "discovered", however, campaigns and waves of immigrants and invaders were launched from the European continent towards it. Both places had indigenous cultures and were

¹¹⁵Beshara B. Daoumani, Rediscovering Ottoman Palestine Writing Palestinians into History in Ilan Pappe, editor, *The Israel / Palestine Question Rewriting Histories*, Routledge, London, 1999, p.15

¹¹⁶Khalid Kishtainy, Palestine in Perspective, p. 90

developing naturally when white, saving - souls colonialists invaded and claimed the right to be in Palestine and North America, in our case of study, and denied the rights of the indigenous peoples of living in the only places they'd ever known. Palestine and North America had both been occupied by indigenous peoples with different cultures, traditions, spirituality and races than what was known to the European; thus, those different peoples were not considered human beings and as a result the land was considered vacant. If having different occupancy patterns than those of the European makes other places less than human and other places empty, then it is not the fault of the Natives, it is the problem of the settler colonizers and their narrow mindedness. Both places were occupied by peoples who lived there thousands of years ago; their traditional cultures were growing; their numbers were growing; their cities and villages were developing naturally; their ways of life were progressing and what the Western culture did was a historical massacre that distorted and broke down the chain of the natural progress of two peoples.

Chapter III:

European Conquerors and the Defeated Natives

"Once we were happy in our own country and we were seldom hungry, for then the two-leggeds and the four-leggeds lived together like relatives, and there was plenty for them and for us. But the Wasichus {white men} came, and they have made little islands for us and other little islands for the four-leggeds, and always these islands are becoming smaller, for around them surges the growing flood of Waisichu"

Black Elk (Sioux) on reservation life, 18901

After providing a historical background of the two nations under study, i.e. the Cherokee and the Palestinian, and their continued presence on the lands where they lived before their expulsion by modern European and Zionist settlers, the researcher, in this chapter, will present the actual process of colonization, its mechanisms, tactics, legal justifications and deployment of violence by the two conquest regimes. While chapter one included a definition of racism that provided the framework for the two occupying forces, this chapter will show the manifestations of this policy in practice. There is a need, however, to shed light on early contacts between the natives in each case and the colonizing settlers since the patterns of relationship that were set at the beginning doomed future contact Therefore, the researcher will start by tracing the early contacts and relations. between the white people and the Cherokees and the Zionist settlers and the Such early contact had a massive impact on the indigenous Palestinian people. Then, an account of the responses of the natives to such early communities.

¹Arrell Morgan Gibson, The American Indian Prehistory to Preset, p. 426

contacts will be presented. Of course, the ultimate end behind the policies of the two conqueror regimes was the acquisition of land upon which the natives were living. Thus, the researcher will follow the legal justifications that the conquerors employed in pursuing their objectives as well as the systematic acquisition of land. As has been followed already in this research, the researcher will first present the Cherokee case and then the Palestinian, after which a conclusion will be drawn that compares the two cases.

The Cherokee Nation:

Early Contacts:

General Outlook: Columbus' discovery of the New World happened by accident. He was searching for a shorter route to the Orient at a time when European monarchies were competing for new resources of wealth to help finance their armies and civil administrations. When he landed in the Bahamas, in 1492, Columbus thought he had reached the Orient. Only in 1522, did it become clear, that "the discovered land" was not Asia. Fur traders, explorers and privateers visited only what is known now as the East Coast of the United States. Thus, encounters with the Native peoples were limited to coastal areas. Such contacts involved both opportunities and dangers for the Natives.²

In the years following the discovery, Europeans were interested in determining the geographical extent of the discovered land and the people who inhabited it. During each voyage, Europeans had the practice of abducting one or more Natives as trophies. In 1577, for example, Martin Frobisher took an Inuit and Kayak to

²The Cambridge History of the Native Peoples of the Americas, Bruce G. Trigger and Wilcomb E. Washburn (eds.), Vol. 1, Cambridge University Press, USA, , pp. 331-334

England. Many other Natives were abducted and taken to several countries in Europe, where often they were exhibited. Some of the Natives, especially the young, were taken to European countries in order to learn a European language so as to serve as informants and interpreters. Another group of the abducted were baptized and remained in Europe. Towards the end of the century, kidnappings ended and were substituted by good will visits, mainly to France. The French invited the chiefs' relatives with the hope that such people could become future chiefs, and facilitate future trade. Other Natives were taken prisoner and sold as slaves especially by Spanish nationals who believed that Native Americans were lesser human beings. What curbed mass kidnappings was the high mortality rate among Native slaves. Spain imposed a tribute on Native populations with whom they came in contact. Bearing in mind the crusade mentality of Castile in the Old World towards Jews and Muslims, Spain's main mission was the conversion of Natives to Catholicism.

According to historians, direct contacts with Native Americans took one of seven forms. The first form was during the European fishing expeditions. Thousands of Europeans landed on the shores of North America each summer for fishing. At times, Europeans became angry with Natives who damaged their fishing sites; however, for the most part, intimate and friendly relations were established between fishermen and Natives. Europeans used gifts to pacify Natives and some of them were employed in processing the catch. Natives who depended on fish for living were hostile to the Europeans unlike those who depended on fur trade.

³Arrell M. Gibson, The American Indian Prehistory to the Present, p. 93

The Cambridge History of the Native Peoples of the Americans, pp. 336-339

⁵J. Leitch Wright, Jr., The Only Land they Knew, The Free Press, London, 1981, p. 30-31

Disputes were reported with certain nations, many of which were the result of European rivalries. A second form of direct contact was with would-be colonists. These Europeans had clear instructions to establish permanent colonies. One of the first settlement expeditions was Spanish and led by de Soto in 1539-1540, but this expedition failed. Other French expeditions of this type followed, but they failed too when no resources were found and official interest was lost. The third type of contact took place between Natives from North America and Meso-American and Caribbean Natives who worked with the Europeans as translators and cooks. While such Natives were treated as allies by the Europeans, Native Americans treated them as they did Europeans. Religious missions were the fourth type of face to face contact. Since 1539, priests had accompanied Spanish expeditions. The priests would leave the expeditions to do mission work among Some died and others were killed. No large-scale the different nations. conversions were reported in that era, but a few individuals became Christians. Proselytization was not emphasized in the early expeditions. Many of the priests who landed in the southeast area were killed as the Natives remembered the aggressive expedition of de Soto in 1539. In the middle and late sixteenth century, a fifth type of interaction became popular, gaining great importance -fur-trading. Fur was status symbol in Europe, and prosperity in the sixteenth century increased demand for them. Natives traded furs for axes, knives, kettles and the like. In addition to fur, trade included deer and buffalo skins. However, despite the increase in French and English trading activity, Natives were not yet dependable on European trade. The final form of direct contact between Native Americans and white Europeans was the colonial venture. This contact, especially, introduced the Natives to the European material culture and behavior. The first

colony established in North America was founded on Cape Breton Island, and was the only example of a European fishing settlement in the sixteenth century. Joao Fagundes, from Portugal established this colony in about 1520. This colony lasted for several years, and scholars suggest that Native (Micmac) hostility was a primary reason for its demise. Other colonies used as posts for exploration and later conquest were established and they lasted for a winter only. Natives took over whatever the Europeans left in these abandoned communities. At certain places, such as the southeast, and towards mid century, Europeans used trade and diplomacy to lay foundations for successful colonies. By 1561, many Spanish attempts to establish settlements in North America failed. Finally in 1565, the Spaniards established their first colony, St. Augustine. For the English, Raleigh in 1585, established a colony at Roanoke Island and was of little interest to the Natives. English explorers resolved to serve both God and Mammon. attempts were directed to winning the pagans and preventing them from falling under the authority of the Pope:

"For what can be more pleasant to God, than to gain and reduce in all Christianlike manner, a lost people to the knowledge of the gospell... and what can be more honorable to princes, than to inlarge the bounds of their kingdoms without iniurie, wrong, and bloudshed."8

Thus, at the beginning, the intention was to convert Natives and as a result, authorities at Roanoke, the military colony, decreed that the English should treat The failure of the Native Shamans to cure the ill chiefs made the Natives fairly. the latter turn to the Englishmen for help. On occasion, when chiefs were cured.

⁶The Cambridge History of the Peoples of the Americas, pp. 342-356. J. Leitch Wright, Jr., The Only Land They Knew, p.p. 40, 42.

⁸John Hooker on the Virginia Colony, 12 October 1586, In Quinn, ed., Roanoke Voyages, 1:490-91.

Natives were encouraged to embrace Christianity. The schemes of the first colony were to use the Natives as an investment: they made good labor and textiles could be sold to them. No English permanent settlement was established in North America during the 16th century. 10

The Establishment of Colonies:

The emergence of capitalism and mercantilism at the beginning of the seventeenth century pushed the European powers to compete among themselves to colonize The earliest colonialist patterns, however, were based on earlier North America. established alliances and interactions. Thus, the few outposts that were planted in eastern North America were used as centers to facilitate exchange of goods, ideas and disease. 11 Focus will be placed on the three major powers colonialist attempts in North America during the sixteenth century since such policies affected future relationship. Such attempts also entailed policies that were adopted by the United States Government in the future.

The Spanish law of the sixteenth century considered the Natives

"whether subdued by violence or merely the threat of violence, had no right save such as the conqueror might freely choose to concede to them... Indian nations were obliged to recognize the sovereignty of the Spanish Sovereign, and through this, the ultimate sovereign of the Pope... the spiritual over-lord of the whole earth. The persons and the land of the Indians were ... at the disposal {of the monarch} who

⁹J. Leitch Wright Jr., The Only Land They Knew, p. 58.

¹⁰Ibid., pp. 58-59.

¹¹The Cambridge History of the Native Peoples of the Americas, p. 400

might do with them what {he} wished, according to {his} own mercy, and according to need and expediency."12

This law sprang from the right of discovery and the papal dispensation of the land and the people of the New World except for Brazil. Spain was a dominant imperial power and it left major impact on the Native Americans which is manifested in language and culture.¹³

The French, at the beginning, believed that settlements would drain the motherland support. Philosophers like Montesquieu thought of colonies as entities that would strip the homeland of its substance. ¹⁴ The French were much more interested in the fur trade than settlements. ¹⁵ Thus, French colonies started later than those of the English and Spanish. With the establishment of settlements in the St. Lawrence River Valley in 1608, the French empire in North America began. The French managed New France (areas under French rule) using direct royal control, and in 1674, it became a crown colony with its officials appointed by the King. Thus, the colonized areas were considered French provinces and colonists and Natives living in those areas were considered French subjects. ¹⁶ The French were the most successful in dealing and building relationships with the Native American and as a result when the French ceded their imperial properties

¹²Arrell M.Gibson, The American Indian Prehistory to the Present, p. 94

¹³Ibid., p.p. 94, 112

¹⁴Bernard W. Sheehan, Seeds of Extinction - Jeffersonian Philanthropy and the American Indian, pp. 67-68

¹⁵Arrell M. Gibson, *The American Indian Prehistory to the Present*, p. 125

¹⁶Ibid., p.p. 116, 121

to the British in 1763, the Natives protested and were determined not to accept the British rule. 17

The fur trade had damaging effects on the lives of the Natives, for it transformed them into:

"commercial gatherers of ever-increasing quantities of pelts and hides to meet their expanding tastes for trade goods. This growing dependence on trader goods distributed, and at times destroyed, aboriginal self-sufficiency. In reverberating rings, this commercial intrusion corrupted the native lifestyle, encouraged neglect of essential family, clan and tribal duties and observances, and caused pervasive personal and social disorientation and decay. If the Indian eschewed the blandishments of the trader, saturation trapping and hunting over his range soon destroyed the wild creatures that had provided him with food, shelter, and clothing. He and his tribe were reduced to a state of poverty not of his making." 18

Another impact of French colonialization was their incitement of Native American Nations against each other resulting in the destruction of complete nations. Another impact of the French on the Native Americans was manifested in inter-marriages which resulted in many mixed bloods and the spread of Roman Catholicism among Natives under French rule in addition to the Native fluency in French.¹⁹

¹⁷Ibid., pp. 122-123.

¹⁸Arrell Morgan Gibson, *The West in the Life of he Nation*, Lexington, Massachusetts, 1976, p.

²⁴⁵

¹⁹Arrell M. Gibson, The American Indian Prehistory to the Present, p.p. 136, 137

Of all imperial nations, the British came in families and as agriculturists and thus had the intention of staying. Their dominion started in 1607 at Jamestown, Virginia in the Southeast. They expanded gradually until their hold embraced the territory from Maine to Georgia. They were able to defeat and expel other imperial powers by 1763 and consequently conquered lands in what is today's Florida, Canada, and the Appalachian areas.²⁰

It is important to shed light on the British policy towards Native Americans since it, to a large extent, was the basis for what would become United States policy. British policy was characterized as exploitive, unnecessarily destructive and damaging, and focused on ensuring British interests. Each of the thirteen colonies, until 1763, followed an independent policy in dealing with the Natives in spite of the fact that regional patterns existed. The three regional patterns included: New England, Mid-Atlantic and Southern. 21 In New England where the Native economy depended on hunting, fishing, agriculture and trade with interior nations, British settlements succeeded. The reasons are threefold: the large decrease in population of Natives as a result of epidemics; many Native Nations welcomed the English as allies against the powerful Pequots who were imposing tribute on weaker Nations; and by 1620, many Natives were able to speak English. New England settlers believed that their mission was to Christianize and civilize the Natives. The English forced their laws and jurisdiction over the weak Nations through waging wars in cooperation with its allies among the Natives.

²⁰Ibid., p. 184

²¹Ibid., p. 187

and massacring and burning whole villages, as it did with the Pequot. By doing so, the New England colonists opened new territories for their expansion. ²²

The settlers considered the hunting grounds of Natives as surplus, unoccupied, and unused and thus ready for confiscation by the English. The presence of the aboriginal population was ignored. The British Crown granted those lands to settlement companies because such lands were discovered by His subjects. Each company had its own policies in dealing with the Natives. The Plymouth Company for example, directed its settlers to buy the land claimed by Natives for token payments. The puritans did not miss the opportunity to use force when taking tribal lands. Roger Williams, the founder of colonies on Rhode Island. created what became the Williams' principle of supervised land transactions. He believed that no one had the right to give something that he did not own and thus the British Crown lacked the right to give away the lands and countries that Thus he required that transferring lands to the belonged to other peoples. colonists should be supervised and approved by constituted colonial authorities and that Natives must receive proper prices for their lands. In 1643, the General Court of Massachusetts Bay Company adopted rules for land sales; thus lands had to be bought from the Natives for fair prices. The Natives were allowed to maintain the right to hunt and fish on parts that were unused by the settlers. The Connecticut legislators adopted the law in 1640, and amendments were later adopted that imposed fines on any settler convicted of breaking the law when buying Natives' Land. This law, however, did not end military conquest of the

²²Ibid., pp. 186-188.

land. According to Gibson, many Natives did not think that they were selling their lands but only the use of it.

In 1638, the English were the first to segregate the Natives in reservations in order to facilitate their conversion to Christianity. They put the Quinnipiac Natives in a 1,200 - acre reservation, prohibited them from leaving or selling the land, also placing a prohibition on the sell of liquor, guns, shots and powder. reservations were established later on, and the English colonial officers appointed Native Governors to run the reservation in collaboration with English supervisors. The Native Americans revolted in 1675 against the Puritans, who were trying to deprive them of their cultures and land, but were defeated. The revolt gave impetus to ideas that suggested the extermination of the Natives and more restrictions were imposed on them. Many Nations sold their lands and moved Very few Natives stayed in the remaining reservations which had terrible The second area that was colonized by the British is the territory conditions. 23 from Connecticut to Virginia. English settlement in this area started in 1630s. Parts of this area were colonized by the Dutch and the Swedish and were claimed by the English by the right of conquest. Some colonies bought land from the Natives; others did not and instead extinguished title to the land. Fur trade in this area led to wars between the French and the British and between the two sides the Natives were tripped over. This area did not witness feverish missionary efforts although there were some Anglican, Moravian, Jesuit and Dutch Reformed The policies of the different colonies varied in dealing with the missionaries.

²³Ibid., pp. 90-91

Native Americans. 24 The third area that fell under British control was the Southeast. Earlier contacts and hostilities set the patterns of relationships between the settlers and the Natives in this area. The English presence in Carolina was not established until after 1670 when colonists arrived. In 1672, and in the area that is known now as North Carolina, the colonists agreed with some powerful Natives to restrict settlement activities and to promote trade. In South Carolina, the proprietors encouraged a certain tribe (Westos) to wage slave raids on Spanish Indian missions. This policy was opposed by private traders who saw in the tribes' men themselves potential slaves. Some colonists took Indian policy into their own hands which led to the dispersing of the Westos. As a result of the destruction of the proprietary monopoly in South Carolina, trade between the English and the Natives spread to the Southeast and weakened the Spanish influence among the Natives. The ill treatment of the Natives by Spanish soldiers encouraged the former to trade with the English. 25 The Cherokees lived in this area. The Spanish, of course, were the first white people to enter the Cherokee land during the expedition of De Soto in 1540. The Cherokees may also have met African slaves who ran away from the British colonies. It was not until around 1660s that the Cherokees opened relations to the British. The British traders came to the Cherokee land for two goods: deerskin and war captives. The deerskin was, as mentioned elsewhere, used to make fashionable hats for men while war captives were made into slaves who worked in the colonies or in West Indies. The Cherokees got many commodities including guns and ammunition, knives,

²⁴Ibid., pp. 198-203

²⁵The Cambridge History of the Native Peoples of the Americas, p. 424

clothes, rum and kettles. As a result, such goods became indispensable in the Cherokees' life especially with the escalation in hunting and war. With the decline of slave trade towards mid century, deerskin became the main source of income for the Cherokees.²⁶

Following the example of Native Americans in New England, Southeastern Natives carried out an uprising against exploitation and deception. The Yamasees revolted against the English in 1715. Only 20 persons out of 5000 Yamasee people survived the colonial war. Just as in the other two areas, the English policies towards the Native Americans were opportunistic, a matter which inflicted damage on the Natives. The policies of the Carolinas for example were determined by the proprietors who formulated managerial bodies; adopted laws for trade especially the permits rule (i.e. each colonial trader was obliged to obtain a permit in order to be involved in skin trade and to catch and sell Indian slaves) and concluded treaties such as the treaty of amity of 1693 with the Cherokees. Policies were extended and refined all the time in order to promote the settlers' Little interest was given to missionary work, although in Virginia, Children were taken from their families by force and placed in Christian contexts to learn Christianity. Anglican missionaries arrived in Virginia and other areas. but the Natives had strong commitment to their own cultures and spirituality. 27 It

Theda Perude and Michael D. Green (eds.), The Cherokee Removal A Brief History with Documents, p.5

²⁷ Arrell M. Gibson, The American Indian Prehistory to the Present, pp. 204-213

might be worth mentioning that the first mission established among the Cherokees was the Moravian. ²⁸

By the late 1680s, the English traders were working with the Cherokees. Hoping for some assistance, the Cherokees complained to the Carolinians about Creek slave raids, but the Carolinians' priorities were with the Creeks, thus the Cherokees complaints were overlooked.²⁹

Between 1702 and 1712 the British army was involved with the Queen Anne's War against both the French and their Native allies and the Spanish and their Native allies. This force left the English and their allies (the Creeks) the most powerful force in the Southeast.

The mistreatment of the Native allies of Queen Anne's War on the hands of the South Carolinian traders led the Creeks to make peace with the French as well as the Spanish in 1712. The Cherokees supported the English against the first pan-Indian uprising that threatened the future of South Carolina because the Cherokees wanted to avenge earlier Creek attacks. After siding themselves with the British in the Yamasee War in 1715, the Cherokees were betrayed by the English allies who resumed their ties with the Creeks, and thus the Cherokees found themselves isolated. Furthermore, the English traded with the Creeks and supplied them with guns and ammunition far more than they did the Cherokees. Despite resuming their trade with the Virginians, the Cherokees lacked an adequate economic and diplomatic support. During the 1720s, the Cherokees

²⁹The Cambridge History of the Native Peoples of the Americas, pp. 424-425

²⁸ John R. Swanton, The Indians of the Southeastern United States, Smithsonian Institution Press,

Washington and London, 1979, p.112

continued their wars with the Creeks. Such hostilities pushed the Carolinas to seek peace between the two nations because the war actions threatened its traders. Following an English expedition that destroyed the Yamasee and exposed the weakness of the Spanish, the Creeks agreed to make peace with the Cherokees. 30 Dependant on trade with South Carolina and abused by the Carolinian trade policies, the Cherokees became more critical of the colony. To make up for being inadequately equipped, the Cherokees tried to create good relations with pro-French Miamis and to seek a stronger national identity which became evident during the visit of Sir Alexander Cuming, the English nobleman. Sir Cuming convinced the Cherokees to call their leader "Moytoy" an emperor and brought a delegation of Cherokees to England to meet the king and to sign a treaty with him. Cuming reported that the Cherokees acknowledged English sovereignty in this meeting, although it is doubtful. The visit of the Cherokees raised British interest in the Southeastern areas and led to the establishment of the colony of Georgia. which became a trade partner to the Cherokees. Georgia, however, created competition for South Carolina thus having a negative impact on many Cherokees and pressuring them to seek independence. In 1736, a German (other sources say Swiss)31 intellectual, Christian Priber, visited the Cherokees and aroused their national identity even more than Cuming. His intentions were personal for he dreamed of founding "a kingdom of paradise" on earth, and saw this in Cherokee Priber encouraged the Cherokees to reduce their values and institutions. dependency on all European powers. Fearing Priber's intentions, the English

30 Ibid., pp. 429-437.

³¹John R. Swanton, *The Indians of the Southeastern United States*, p.111

interfered in naming the emperor's successor in 1743. Priber was imprisoned by the English where he died. The Cherokees as well as other Natives were plagued by conflicts over fur trade often incited by European powers. While the Natives were fighting each other, the colonies were expanding.³² Between 1754 and 1763, the Imperial War between the English and the French erupted. This war resembled a war between the Cherokees and the colonies. The imperial powers that colonized North America exploited the Native Americans in their competition and entered alliances with them. In the 1750s, the British built two forts on Cherokee land in order to defend the Cherokee towns since their warriors were fighting in wars on behalf of the British. 33 During the French - Indian War (1754-63), the Cherokees entered the war on the British side, but after two incidents of British betrayal, the Cherokees changed their stance. As a result they decided to leave the battlefield and to return to their country. During the journey, English colonists killed some forty warriors in cold blood. They scalped the victims and butchered several more. Some of the warriors who escaped the massacre returned home and reported the killing. Although Native traditions called for revenge, the leaders of the Cherokee Nation and in accordance with the treaties signed between them and the colonies applied to Virginia, North Carolina, and South Carolina waited for satisfaction but were not given any. Another incident took place at Prince-George, which increased the Cherokees' anger. Three English officers raped Cherokee women while their husbands were on the winter hunt. They

ì

³²The Cambridge History of the Native Peoples of the Americas, pp. 438-439.

³³Theda Preude and Michael Green (eds.), *The Cherokee Removal A Brief History with Documents*, p.6

boasted about this and abused Cherokee men. As a result, Cherokee warriors attacked North Carolina and slaughtered many colonists. The war between the two sides continued for some time. 34

Encroaching English settlers continued pressuring the Cherokees after 1750. This happened in spite of the treaties signed between the Cherokees, South Carolina and Virginia in 1755. In the meantime, the colonies' traders continued their abusive policies of cheating the Cherokees. Consequently, this led to the outbreak of war with frontier settlers in Virginia in 1759. The Cherokees who had grown dependent on the French suffered when the English blocked French ships. Thus, the Cherokees lacked food and ammunition. Although the Cherokees were able to seize an English fort and to damage frontier settlements at the beginning, the English troops in 1761 swept through their country, burning their homes and Following that, the Cherokees were forced to surrender and sign treaties with South Carolina. Even the Proclamation Line that was issued by King George III in 1763, to define the borders between the Native land and the colonies did not stop the colonists' encroachments. According to this proclamation, all lands that were to the west of the line were to remain in the hands of the Natives and land sales to the east were to be regulated by colonial governments. Traders wanting to do business with the Natives had to acquire a certain permit and British officials were to prevent criminals and fugitives from entering Native territories. The hostility of settlers from Virginia and Georgia living on the Natives' land aroused feelings of hatred against the English among the Natives. In 1763, the

³⁴James Adair, Adair's History of the American Indian, Promontory Press, New York, 1930, pp. 259-264

Cherokees, Creeks and Choctaws met with the French to discuss all they suffered from as a result of the colonies' policies.³⁵

The Imperial War ended in a peace conference in Paris. After hearing about the French and Spanish cessions at Paris, the Natives decided to prevent the British troops from occupying the Spanish and the French forts. However, the intervention of the Southern Indian Agent John Stuart who gathered the governors of the four southern colonies with the Cherokees, Creeks and Chickasaws at Augusta in 1763 pacified the Natives anger. In the meeting it was agreed on the boundaries between Native and settler lands, but in some cases there was no formalization for the agreements. The pacifying policies that the English used were doomed to fail for various reasons. The reasons include:

"the influx of Euro-American settlers, speculators, traders and hunters on Indian lands; the inability or unwillingness of colonial authorities to prevent violence or punish crimes and treaty violations committed by such interlopers; the inability of the Crown to maintain garrisons at many forts, to furnish gifts to its Native allies, and to finance its Indian superintendents due to colonial resistance to royal prerogative and further taxation." ³⁶

The seven Years War was followed by a decade that was marked by wide land cessions. During the American Revolution, the Cherokees who detested the colonists' hostilities began attacking the colonies of Virginia and Georgia. The colonies organized retaliatory campaigns, resulting in the burning of Cherokee towns. After a year, the Cherokees were obliged to sign treaties with the

³⁵The Cambridge History of the Native Peoples of the Americas, pp

³⁶Ibid., p. 449

Carolinas in which they ceded virtually all their land in South Carolina and much of that in North Carolina and eastern Tennessee.³⁷

The Natives could not believe that the British were defeated and that they had to deal with the Americans. In spite of the fact that the United States had gained the recognition of the European countries including Britain, most of the Native Nations denied its legitimacy. The recognition was considered a threat to their very existence.³⁸

The Natives' Responses to the Early Contact:

The response of the Native Americans to settlers evolved from terror to fascination to suspicion to hostility. Some Nations regarded the newcomers as divine beings or supernatural entities, although this could be attributed to the white man's vanity and ethnocentrism. It may be impossible to distinguish the historical from the mythical when it comes to studying Native memories of sixteenth century encounters with Europeans. The attribution of supernatural qualities to the white people by Natives is formed mostly in European sources. Associating white men with spirits or shamans came from the their resilience to diseases that the Natives were subjected to. Regardless, the curiosity and fear that marked the Natives first encounters with the Europeans was transformed to

³⁷Ibid., p. 449-451

³⁸Ibid., p. 453

³⁹ibid., p. 370

⁴⁰Ibid., p. 370

resistance due to negative experiences with the newcomers or reports of such experiences.⁴¹

The Impact of the First Contact on the Natives:

The importance of the early Spanish, English and French contact is that they shed light on the aboriginal culture and the early patterns of settlement. ⁴² The impact of the contact between the white people and the Native Americans set the ground for and determined the relations between the United States white citizens and the Native Nations can be summarized in the following points:

1- Biological effect that led to the decrease of the number of the Native population. Diseases were known to North America, however, relative to Europe the New World lacked knowledge of many diseases. Smallpox, measles, influenza, bubonic plague, diphtheria, typhus, cholera, scarlet fever, trachoma, whooping cough, chickenpox, and tropical malaria broke out among the Natives. In the South East, biological holocaust left towns empty, disease forcing people to abandon their towns. This led to a re-grouping of "refugee-survivor populations into new confederated polities such as those of the Creeks, Cherokees and Catawbas". In some sources such as Gibson's *The American Indian Prehistory to the Present*, the British used germ warfare on certain Nations such as the Delwares by distributing blankets infected with smallpox disease causing the spread of the disease among that nation. 44 It was not merely the white man who

⁴¹Ibid., p.p. 371, 384.

⁴²J. Leitch Wright Jr., The Only Land They Knew, p. 50-51

⁴³Arrell M. Gibson, The American Indian Prehistory to the Present, pp. 362-364

⁴⁴Ibid., p. 229

appeared on the continent in the sixteenth century, but also Africans who accompanied the Spanish expeditions as slaves.⁴⁵

This biological factor had great impact on political, social and economic aspects of life. New rules and restrictions were a result; some nations adapted while others did not. As an example, by 1738, the Cherokees had lost approximately half of their population to smallpox. ⁴⁶ Mooney estimates that there were 22,000 Cherokees in 1650. In 1819, the number of the nation was estimated at about 15,000. ⁴⁷

- 2- While the first impressions and dealings adopted by the Natives of the White people stemmed from their traditional beliefs, contact called for assessments of who the Europeans were and what they had to offer. These shifting interpretations affected attitudes toward European goods.
- 3- New diets, animals, metals and goods were brought to the new continent; trade relations were also established between the two parties. In some cases, Natives became reliant on particular European tools and clothing.
- 4- At the beginning of the sixteenth century, Natives resisted the white man's programs of civilization, colonization and missionwork. Later, they employed a mixture of resistance and accommodation in their dealings with the Europeans. It is worth mentioning that some nations sought alliances with Europeans to defend themselves against their powerful neighbors.

46 James Adair, Adair's History of the American Indian, p. 244

⁴⁵J. Leitch Wright Jr., The Only Land They Knew, pp. 43-44.

⁴⁷John R. Swanton, The Indians of the Southeastern United States, p.114.

5- Only two small areas of settlement were established in the sixteenth century.

Many Europeans visited the New World, but very few Natives visited Europe.

6- The sixteenth century was a theater for competition between the European powers. The French and the Spanish strongly competed to gain control over North America. As mentioned earlier, the French used diplomacy in dealing with the Natives, which did not always help, but was favorable to Spanish violence. The French also worked as diplomatic brokers to resolve problems that emerged among the different Native nations.

7- When the colonial era began with the founding of settlements such as Jamestown in 1607, Quebec in 1608 and Santa Fe in 1610, the Natives had already gone through more than a century of "human and non-human biological encounter" It is true that, in general, the American continent had gone through a germ warfare. Dobyns, an anthropologist, who studied the Native American populations, assumed the ratio of depopulation to be twenty to one from the time of the first contact until a later era at which the Native population stabilized. Thus, by the opening of the 17th century, a history had already been established in the relationship between the Natives and the Europeans. They still maintained their traditions and occupied the well-defined territories that they had lived in for a long time. Europeans remained outsiders and failed to establish a significant presence. This, however, changed at the turn of the seventeenth century as the

⁴⁸The Cambridge History of the Native Peoples of the Americas, p. 368

⁴⁹Ibid.

⁵⁰J. Leitch Wright Jr., The Only Land they Knew, p. 24

following two centuries witnessed the widest historical spread of European societies on the new continent. 51

8- Slave trade was initiated by the colonies urging the different Native Nations to raid weaker nations for slaves, and creating animosity between the different Nations. A Carolinian justified Native slaves saying, "it both serves to lessen their numbers ... and it is a more Effective way of Civilizing and Instructing". 52

9- A sense of identity as a nation emerged as a result of the colonization process.

A pan-Indian movement surfaced but not all Nations adopted it and, in fact, some nations, like the Cherokees, fought it. They were not opposed to the idea as they were to particular Nations with whom they had maintained old feuds. Cherokees, however, had themselves developed a sense of nation and identity as a result of the colonists' policies.

10- The Imperial Wars were fought between the European nations over colonies The Europeans came to the New World and brought their old and interests. animosities and hatred with them. The Native Americans had to pay the price. The European powers manipulated the Native nations against each other in their Some Natives served in the armies of ruling powers, significantly reducing Meanwhile wars of conquest against some Nations led to their their numbers. extermination such as the Pequots who were eliminated by the British Puritans. 53

War was responsible for a 10% decline in Natives' population. 54

⁵¹The Cambridge History of the Native Peoples of the Americas, p. 399.

⁵²Arrell M. Gibson, The American Indian Prehistory to the Present, p. 210

⁵³Ibid., p. 236

⁵⁴ Ibid.

11- At the beginning of the colonial period, Native Americans and English settlers mingled freely and intermarriage occurred. Officials encouraged such marriages thinking that this would resolve the Indian problem. However, later, officials changed their encouragement of intermarriages to calls for segregation and extermination.55

The Policies of Dealing with the Natives:

Before the American Revolution, individual colonies had established policies for dealing with the Natives. As mentioned, in the Southeast, where the Cherokees lived, Carolinian policy dominated the territory and was both permissive and Georgia held more humane policies, but it was not established until 1733 while the Carolinas were established in 1670. The British government, in the wake of the Imperial Wars and the chaotic state of British - Native relations, nationalized its Indian policy in the 1760s. Nationalizing the policy was a "drastic departure from the 150-year old laissez-faire practice of permitting each colony to maintain its own Indian policy,"56 It was also the foundation for the policy that was later adopted by the United States government.⁵⁷ In 1664, a royal commission was appointed to study the colonial-Indian relations and their results were highly critical of the colonies' harsh treatment of Native Americans. The British Board of Trade, a government body responsible for colonial affairs recommended that a governor general be appointed to the colonies. He would be granted authority in Indian and military affairs in an effort to coordinate colonial The plan of appointing a governor general failed but the royal activities.

⁵⁵Ibid., p. 238 ⁵⁶Ibid., p. 231 57 Ibid.

governors who were appointed succeeded in achieving coordination. The British government initiated a tradition of granting annual gifts to the various leaders of the Native Nations and the royal governors carried out the distribution. Several royal decrees were issued regularly after 1720 to colonial governors to instruct them to cooperate in regulating Native trade. Officials from many of the colonies met several times to discuss trade, frontier defense, and other issues related to the Natives. Very few instances of cooperation appeared between the colonies and the Crown in relation to Native American affairs. Such instances included the extension of the military frontier into tribal domains, and the construction of military forts responsible for administering the Natives. The British government and the colonies cooperated in resolving judicial questions through treaties whereby the Native chiefs were forced to hand over Natives accused of killing British subjects. The British also interfered in appointing puppet governments for the different nations such as the appointment of Moytoy as an emperor for the Cherokees in 1730. Meanwhile colonial governors appointed chiefs to military ranks of captain as a sign of their service to the king.⁵⁸

A comprehensive change in the British policy took place following the Atkin^o Report and Plan.

"The importance of Indians is now generally known and understood. A doubt remains, not, that the prosperity of our Colonies on the Continent, will stand or fall without interest and favor among them. While they are our friends they are the cheapest and strongest barrier for the Protection of our Settlements; when Enemies they are capable

⁵⁸Ibid., p. 232

^{*} Atkin is a businessman and member of the South Carolina colonial governor's council who set forward a plan to improve the Natives' administration.

by ravaging in their method of war, in spite of all we can do, render these Possessions almost useless.

... Whence it hath arisen that the Indians in Peace of Amity towards one of the colonies have at the same time behaved as enemies towards the people of another. Some of the Colonies have made no regulations at all in Indian affairs.... Seldom if at all have they sent proper persons to look into them. But the management of them hath often been left to Traders, who have no skill in Public Affairs, are directed only by their own Interests, and being generally the loosest kind of People are despised and held in great Contempt by the Indians as liars and persons regarding nothing but their own Gain, 59

The Crown, to a degree, followed Atkin's recommendation of adopting a nationalized Native policy. The superintendence system was created in 1755 and superintendents were appointed to the several regions. represented the Crown in each Native Nation and reported to the superintendent. Each tribe was considered an independent Nation and its citizens were subjects to traditional law and not to the British. As a result, assimilation was refused. Treaties defined the formal relations between each nation and the British. Official representatives of the Crown and the leaders of the various nations were supposed to negotiate such treaties. The British government assumed power to resolve land issues and trade conflicts and other Native affairs through its superintendents. This policy also included the reservation system which cut a certain piece of land and made it exclusively for the Natives' use. Native tribes residing on a certain territory were considered owners of that territory. Then, the Royal Proclamation of 1763 was issued. It forbade settling west of the line that marked the drainage divide of the Appalachians, and called for the removal of all settlers who had

⁵⁹Ibid., cit., p. 232

already broken that border. No one was allowed to enter the Native Country except for traders with special permits and royal troops. 60 This policy, however, did not live long as traders pressured colonial governors who subsequently pressured the Crown and in 1767, control over trade was returned to the colonies. Meanwhile settlers ignored the border defined by the Proclamation and settled In 1774, the British began confiscating land through military Indian land. The American Revolution that started in 1776 marked a new era in the relations between the two parties.

The Cherokees, as most of the Native Nations, fought on the side of the British during the American Revolution because they were aware of the threats that settlers posed to Native lands.⁶¹ The Cherokees' role in the revolution was minimal as they had not yet recovered from the losses of the French-Indian war. Still they raided the frontiers of Georgia, South Carolina, North Carolina and Virginia while providing refuge to the Loyalists. Armies from the four colonies invaded the Cherokee territory and as a result the Cherokees fled their homes to the forests. Soldiers destroyed the Cherokee houses, fields and stores, thus leaving the population to starve. As a result of the destruction, many thousands of Cherokees were driven into the forested Appalachians where they lived on nuts Many of their lands were uninhabitable. Soldiers also killed most captives, scalping them to get a money reward (75 pounds) from the South Carolina legislature. 62 In 1777, Cherokee leaders reluctantly signed treaties to end

⁶⁰Ibid., p. 234

⁶¹ Ibid.

⁶²Theda Perdue and Michael Green (eds.), The Cherokee Removal A Brief History with Documents, p. 7

the conflict. These treaties relinquished most Native lands east of the Blue Ridge, obliging the refugees to establish houses in other places. The Cherokees, defeated by hunger, were a nation of dispirited people looking for peace. Thus, their participation in the Revolutionary War ended except for one group, the Chickamaugas who moved west and continued to fight until 1794. As a result of the Revolution, 50 Cherokee towns were destroyed; their fields burnt and livestock killed or confiscated. Many Cherokees died either as a result of killing or starvation. Between the eruption of the American Revolution in 1776 and the final defeat in 1794, they lost twenty thousand square miles of land, i.e. most of their hunting grounds. 64

The American Natives Policies:

In 1783, the United States of America emerged as a hegemon power in North America. It inherited many policies that were formulated by other imperial nations including those related to the Native Americans. The Imperial wars had left the aboriginal population weak. After the Peace of Paris was signed between the British and the Americans, peace was yet to be made with the Native Americans who had supported the British. The British recognized the independence of the States, and all the English's rights were conveyed to the new nation. The Cherokees, among other Native nations believed that they were independent entities and did not accept the conditions of the Peace of Paris. The Native position was revealed in a letter by Alexander Mcgillivary, an educated

Documents, p. 7

⁶³The Cambridge History of the Native Peoples of the Americas, p.463

⁶⁴Theda Perdue and Michael Green (eds.), The Cherokee Removal A Brief History with

Creek, to the Spanish Governor of West Florida, depicting the views of the chiefs of the Cherokees, Creeks and the Chickasaw in 1785. The letter says:

"We ... hereby in the most solemn manner protest against any title claim or demand the American Congress may set up for or against our lands, Settlements, and hunting Grouds in Consequence of the Said treaty of peace between the King of Great Brittain and the States of America declaring that as we were not partys, so we are determined to pay no attention to the Manner in which the British Negotiators have drawn out the Lines of the Lands in question Ceded to the States of America - it being a Notorious fact known to the Americans, known to every person who is in any ways conversant in, or acquainted with American affairs, that his Brittannick Majesty was never possessed either by session purchase or by right of Conquest of our Territorys and which the Said treaty gives away....nor did we ... do any act to forfeit our Independence and natural Rights to the Said King of Great Brittain that could invest him with the power of giving our property away."

However the justification used to legalize the process of colonization by the United States was:

"The United States won sovereignty over the colonies by the right of conquest because according to international law of that age, the British owned the colonies by right of discovery and by right of conquest. During that time, European Christian governments had the right to occupy lands of non-Christian and "uncivilized people". 66

Such justification emerged from the ideas of Grotius and John Locke. For example, Grotius tailored an argument to fit the needs of the European colonizer for he "not only provides the freedom to reach the new world through his doctrine

Documents, p. 7

⁶⁵The Cambridge History of the Native Peoples of the Americas, p. 470

⁶⁶Theda Perdue and Michael Green (eds.), The Cherokee Removal A brief History with

of Mare Liberum, and the justification of colonial acquisition in his theory of property, but now defends the right to claim dominion over land one no longer occupies."67 Grotius furnished the ideology for competition over natural resources in the non-European world, giving Europeans the right to take what they wanted and to protect it against threats. Grotius, as well as Locke, argued that lands which were still unoccupied, i.e. uncultivated, were open to appropriation. Grotius also provided justification for waging war against the aboriginal people who wish to remove colonial rule using the notion of punishment. 68 He denied Natives the right to wage a retaliatory war, stating "An unjust cause for war is the desire for freedom among a subject people". 69 Thus, England depended on the right of first discovery and produced the concept of effective occupation which necessitated that "lands had to be actually colonized in order to secure valid England also owned colonies by the right of conquest after taking over title."70 France's right of discovery claims. It is true that the British accepted the rights of both the colonists and Natives to own and use the land and to govern themselves, but only under the sovereign authority of England. After England's loss, the United States won that sovereignty. 71 For the English, religious motives justified appropriation from the Natives for the latter were depicted as nomads roaming over fertile land and the English's right as natural men was to replenish

⁶⁷Barbara Arnell, John Locke and America The Defense of English Colonialism, p. 49

⁶⁸Ibid, p. 53

⁶⁹Ibid., p. 53

⁷⁰J. Leitch Wright Jr., The Only Land They Knew, p. 54

⁷¹Theda Perdue and Michael Green, *The Cherokee Removal A Brief History with Documents*, pp.

the earth. 72 The Natives' title to the land was without consequence at one end, yet with major importance at the other. Thus, when the English bought lands from the Natives, the buyer required a deed signed by one of the chiefs who had the authority to sell and then to get the Crown, governor, general assembly or county court to confirm the purchase. 73 England and its colonies in addition to the right of discovery used the mechanism of treaties with the Natives "that acquired either their permission to occupy lands or their title to the use of land"⁷⁴. Although writing treaties acknowledged by implication Native national sovereignty, the Natives were not consulted or invited to attend peace negotiations. Even before the conclusion of peace, Congress embarked on appointing commissioners to be responsible for three regions: northern, central and southern so as to organize future relations with the Natives. The Articles of Confederation that were drafted in 1777 and ratified in 1781, included a provision that Congress would possess "the sole and exclusive right of ... managing all affairs with the Indians". Another clause was attached to this statement that said "not members of any of the states". creating ambiguity that could be clarified only through precisely defining the borders of the states.⁷⁵ Congress used the logic that victory in the Revolutionary War gave the United States the same rights of conquest relative to Native American Nations since those nations sided with the British. England had lost its properties to the United States and thus its allies the Natives had lost their's, as

⁷²J. Leitch Wright Jr., *The Only Land They Knew*, pp. 61-62

⁷³Ibid., p. 91 ⁷⁴The Cambridge History of the Native Peoples of the Americas, p. 465

⁷⁵Ibid., p. 466

well. 76 Therefore, Congress had the right to expel the "landless" Natives to places outside the United States' borders. Realizing the impracticality and the lack of necessity for such an action, Congress expressed its generosity by offering the eastern Natives to remain on parts of their former lands that were not needed immediately by the US. The evacuation policy was not carried out immediately for fiscal reasons since the emerging nation had to deal with financial problems imposed by years of war with the British. The interest of the Natives was not taken into account in determining US Native policies but merely the interests of the United States and its citizens. The national economy of the United States, based on agriculture, as believed by Republican theorists, depended on propertied farmers. Consequently, there emerged a need for productive land. 77 Thus, "the survival of American republican institutions depended on the expansion of American farmers into the West."78 The availability of land was made through the cession of Virginia of the country north and west of the Ohio River to the United States in 1784 and consisting of millions of acres of fertile land. The Congress in 1785 created the Land Ordinance which established "a system for surveying the region into square mile parcels which would be sold at public auction at a minimum price of one dollar per acre". 79 Congress expected that by offering the national property to the public it would reap money to solve its financial problems. In 1787, the Northwest Ordinance was enacted to grant assurances of a safe political future to Americans who wanted to buy land in the West. The

⁷⁹Ibid., p. 467

⁷⁶Theda Perdue and Michael Green, *The Cherokee Removal A Brief History with Documents*, p. 8 ⁷⁷The Cambridge History of the Native Peoples of the Americas, pp. 466-467 ⁷⁸Ibid., p. 467

system established by this ordinance entailed that as population increased and institutions were created the western territories would be admitted to the Union as equal states. The need arose to inform the Natives of their fate and to gain their acceptance. Thus, commissioners were appointed to conduct negotiations and conclude treaties with the Natives whose lands were in the areas offered for selling. But the treaties were the result of dictating and not negotiating. The US commissioners asked the Natives to recognize their losses during the wars and to surrender all lands in southeastern Ohio as they were to be surveyed and sold. The commissioners expressed the tolerance enacted by Congress, allowing the Natives to temporarily use the remaining land northwest of the Ohio River and granted peace to the Native Nations who had been allies of the British. 80 In the area that expanded South of the River, the "conquered nations" policy belonged to the individual states. Thus charters of the southern colonies extended west of the Mississippi River and beyond. Those states used the argument that by right of conquest England's authority passed to them and not to Congress. As a result in 1783, the legislature of North Carolina gave a large tract of Cherokee land to citizens who agreed to move there, while Georgia took another large block of the Cherokee land by force. Such actions enraged the Cherokees who argued that the English had held no title to their land and thus had no authority to cede their lands Therefore, the colonies could not presume authority that in the Peace of Paris. they did not have, and as a result, any colonist who was living on Cherokee land without Cherokee permission must leave immediately. The majority of Cherokees resolved to settle this issue; however, the Chickamaugas fought to

⁸⁰Ibid., p. 468

protect their rights until they were defeated in 1794. War erupted in the North with the Northern Nations and in order to avoid the same result in the South. Congress adopted a different tactic. Refraining from making right of conquest claims on the Cherokee lands, Congress negotiated peace treaties with the Nation instead. The aim of such treaties was to end fighting and restrain states. Thus, the Treaty of Hopewell was signed in 1785 with the objective of creating friendly relations between the Cherokees and the United States, ensuring protection for the Nation and defining the borders of the Cherokee territory. Of course, the scope of this chapter is not the political treaties since they will be discussed in detail in chapter four, but what is important for this chapter is that settler encroachment on Cherokee land continued with Georgia and North Carolina opposing the treaty and claiming that Congress did not have the right to conduct relations with Natives who lived within the borders of their states. The two states continued their policy of expansion into Cherokee territory. 81 However, continued Native resistance to the colonies policies in the South by the Creek and the Chickamauga. a Cherokee Band, forced the American Congress to abandon "its assertion that the tribes were conquered enemies that had forfeited their rights to their lands."82 Thus the Congress pledged:

"the utmost good faith shall always be observed towards the Indians, their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to

⁸¹Theda Perdue and Michael Green, The Cherokee Removal A Brief History with Documents, pp.

⁸²Ibid., p. 9

time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them."⁸³

In accordance with the above-mentioned principles, the new Constitution of 1789 delegated to Congress exclusively the power to deal with the Natives. Then, the Department of War was established and its secretary was entrusted to be responsible for Native affairs on behalf of the President. The US government recognized that each Native Nation was a sovereign entity and thus the government would deal with it separately. Each nation was responsible for running its internal issues. The dealings with the US government in regard to trade or land cessions had to be negotiated by the President through his agents and by the Senate. Thus, the US policy was based on the separation of the races. Some American leaders such as Jefferson considered the policy of separation to be a temporary one that would eventually end through the gradual process of transforming the Natives into Americanized citizens.⁸⁴ The Natives thus were excluded from tax levies and population counts. 85 Henry Knox, the first secretary of war, working with President Washington, formed a policy in relation to the Natives that lasted for decades. Their policy "expansion with honor" was based on recognizing the rights of occupancy for the Native Americans in their right could only be purchased "in free and voluntary The territories. As agriculture progressed in the ceded lands, the wild game arrangements."86 would migrate having a negative impact on Native hunting. Thus, when the government approached the Natives for more cessions, they would agree to sell.

83 The Cambridge History of the Native Peoples of the Americas, p. 473

86 Ibid., p. 483

Arrell M. Gibson, *The American Indian Prehistory to the Present*, pp. 269-270

⁸⁵ The Cambridge History of the Native Peoples of the Americas, p. 482

Knox also believed that the Natives would be civilized through education and the adoption of farming. Once civilized, such Natives would see the benefit of selling their surplus lands and investing in their farms. 87 Knox believed that the main cause of war between the Natives and the frontiers was the encroachment of settlers. Thus, resolving this would be achieved only through imposing legislative controls over encroaching settlers. Knox strongly believed that the Federal Government had an obligation of preserving the Native Americans from extinction which he was convinced could be the result of contacts between civilized and uncivilized peoples. 88 "The Great Land Animal" was the description that was bestowed on Anglo American settler.89 The result of this greed for land would force Natives to surrender their lands to accommodate the increased Congress responded to the President and Knox's policy with the first numbers. 90 Indian Trade and Intercourse Act in which it approved the idea that land purchases must be arranged through treaties made between federal and Native Civilizing the Natives was the policy that would guarantee their survival in the long term. Civilizing Natives meant forcing them to adopt the American culture; and education was the means to achieve that. The new Native policy began to influence the relations between Cherokees and the United States. Knox considered the settlers' encroachment of the Cherokee land in violation of the Hopewell Treaty a disgraceful act, but the violating settlers could not be removed. This led to the negotiating of a new treaty with the Cherokees whereby the land

⁸⁷Theda Perdue and Michael green, The Cherokee Removal A Brief History with Documents, p.

<sup>10
88</sup>The Cambridge History of the Native Peoples of the Americas, p. 484

Arrell M. Gibson, The American Indian Prehistory to the Present, p. 271

⁹⁰Theda Perdue and Michael Green, The Cherokee Removal A Brief History with Documents, p 10

encroached upon was purchased, a new boundary was surveyed and the first step of civilizing the Cherokees was taken. The Treaty of Holston was concluded with a provision that required the Cherokees become herdsmen and cultivators and that the US government give the Nation useful implements of husbandry. Thus, the "civilization program" came to the Cherokees at a time when their deerskin trade was collapsing.91

Cherokee Culture Change

The Cherokees were enthusiastic about the program of civilization, but they adapted it to their needs and objectives. For example, they agreed to the existence of missions for the purposes of teaching their children but they expressed their disinterest in Christianity. More and more Cherokee children attended the schools especially among the mixed bloods who had European fathers. The civilization program entailed major changes in the roles of men and women in society. 92 Making farmers of the Cherokees contradicted the core of their traditions and culture and led to a severe economic depression. Still, in order to escape the collapsing hunting economy and become more like white men, some Cherokees became slaveholders. 93

The political organization of the Cherokee Nation also changed as a result of the civilization program and the developments that took place in US policy. In the earlier periods, "no formal political mechanism existed on the tribal level," for each town was politically independent. The towns, however, shared and were held together by a common culture, language and history. Towns sometimes

⁹¹Ibid., pp. 10-11 ⁹²Ibid., pp. 12-13

⁹³The Cambridge History of the Native Peoples of the Americas, p. 492

worked in a union under the leadership of a charismatic individual. The British used the feudal system in order to understand the Cherokee political organization. Accordingly, they acknowledged one king, one chief, whom all other Cherokees should respect. Thus, the British named kings for the Cherokees who hardly acted like monarchs. Since the English treated the Cherokees as one entity, the need arose for a single political regime. Thus, a centralized tribal government began to take shape in order to regulate relations and dealings with the white people. In 1768, distinguished elder warriors were added by the tribal council to the inner circle to ensure some kind of coercion to control young warriors from fighting the white settlers. This led to a split when young warriors took their families and moved south, forming the Chickamauga towns and fought until 1794. During the 1790s, the council's inner circle included young warriors in an effort to make its actions more binding. The National Council started to deal with internal as well as international affairs for the Cherokee Nation. Thus, it began passing laws such as one passed in 1808 regulating companies to suppress horse stealing and another 1810 canceling all outstanding blood debts between clans. In 1817, the National Committee consisted of 13 members and acted as an executive committee responsible for supervising affairs of the Nation and held jurisdiction over relations with the United States. The Council reviewed decisions before they The rationale behind establishing the committee was to ensure were enacted. greater centralization of power. The term General Council was later used to refer to both the National Council and the National Committee. In 1820, the Nation was distributed into eight districts; thus representatives to the council were chosen from those districts rather than on a town-basis. In 1825, the General Council was granted control over the lands and public property of the Cherokee Nation. These

articles were adopted to prevent cession and selling of more land. The constitution of 1828 gave veto power over Council actions to a strong principal chief and adopted all laws created prior to its issue. While a High Court was appointed in 1821, many people preferred that the Council resolve their problems. The Cherokee Constitution marked the culmination of their nationalism aiming to preserve both the nation and their land. In 1829, the Council wrote a law that imposed the death penalty on any Cherokee who sold land without authority for without land the Nation would not exist. Another manifestation of Cherokee nationalism was Sequoyah's invention of a system of writing for the Cherokee language. Using the syllables of their language, the Cherokees embarked on publishing a newspaper called the Cherokee Phoenix. The newspaper had columns in English, too. 95

In order to understand the policy of removal, we must understand Georgia's policies since no other state pressured so hard for the expulsion of Native Americans. Its legislature, congressional delegation, and press worked diligently to accomplish this objective. Georgia pressured for the removal policy because of an arrangement with the federal government by which it gave up its colonial charter claims to the region that is now Alabama and Mississippi and received \$1, 25 million with a promise that the US government would take all lands held by Natives within Georgia's borders as soon as possible and by peaceful means. The policy of the removal policy because of an arrangement with the federal government by which it gave up its colonial charter claims to the region that is now Alabama and Mississippi and received \$1, 25 million with a promise that the US government would take all lands held by Natives within Georgia's borders as soon as possible and by peaceful means.

⁹⁴Richard Persico Jr., "Early Nineteenth Century Cherokee Political Organization", in Duane H. King, The Cherokee Indian Nation A Troubled History, pp 92-106

Theda Predue and Michael Green, The Cherokee Removal A Brief History with Documents, p.

¹⁴

⁹⁶Ibid., p. 58

⁹⁷Ibid., p. 58

borders in the Cherokee constitution and consolidating Affirming their sovereignty made the Georgians even more angry as it was clear that the Cherokees did not plan to leave. Cherokee land blocked Georgia from the Tennessee River and froze state projects including railways that would connect the state's agricultural land with the river network. Georgia's General Assembly issued resolutions in 1826 and in 1827 assuming complete sovereignty over all the land and the people within its borders including the Cherokees. While the legislature did not threaten the use of force against the Cherokees, it maintained its right to do so. In an Assembly resolution in 1827, Georgia resolved that the Natives were mere tenants and the state could end their tenancy, but that it did not want to disturb public tranquility and therefore it would not use violence until all other means failed. The state sent reports to the President and to the Cherokees to inform them of its decisions. When nothing happened, the state, through its General Assembly, issued legislation in 1828 incorporating the Cherokee Nation in to its counties. This law was effective June 1st, 1830 and it considered all Cherokee laws null and void. It became illegal for the Cherokee government to The state established the Georgia Guard, a special police force that meet or act. enforced Georgia law in the Cherokee territory. 98 Georgia's military law was enacted everywhere; Cherokee lands were surveyed and allocated by lottery; missionaries were put imprisoned for teaching the Cherokees and Cherokees were sentenced to death by Georgia's juries. 99 In order to enhance the process of

.

⁹⁸ Ibid., pp. 58-62

Helen Hunt Jackson, A Century of Dishonor A Sketch of the United States Governments

Dealings with Some of the Indian Tribes, University of Oklahoma Press, Norman, 1995,p. 277.

removal, Georgia planned to dispossess Cherokee leaders who would then be forced to move. Georgia discovered that Cherokee leaders including Principal Chief John Ross had received personal reservations in accordance with the treaties of 1817 and 1819. Those treaties suggested that any person who accepted reserves and later decided to leave the Cherokee Nation was required to either become a citizen in the state of his reserve or sell those reserves and move west. Georgia politicians claimed that accepting reserves denationalized the leaders. As a result, those leaders had no legal or moral entitlement to their properties in the Nation and thus the Georgia General Assembly in 1833 confiscated their houses. In addition to dispossessing the leaders, white men continued to intrude upon Cherokee lands, mining for gold in Cherokee territory, stealing their animals and removing them from their houses. As mentioned earlier, Cherokee land was being surveyed and distributed by the lottery system to Georgian citizens. Georgians created a song that accompanied the lottery.

"All I want in this creation,

Is a Pretty little girl and a big plantation,

Way down yonder in the Cherokee nation" 102

In 1830, white settlers moved onto houses that belonged to Cherokee families; as a result the Cherokees attacked the settlers and burnt their houses, but not before some were killed. In 1831, 25 white men entered the Nation to arrest some Cherokees. They chased and shot at two boys and arrested "a wanted man's

¹⁰⁰Theda Perdue and Michael Green, *The Cherokee Removal A Brief History with Documents*, pp. 75-76

¹⁰¹Ibid., p. 82

Gloria Jahoda, The Trail of Tears The Story of the American Indian Removals 1813-1855, cit., Wings Books, 1975, p. 224

brother" instead of him. Georgians also threatened to close the Cherokee newspaper because its articles were slanderous to the State of Georgia. In July1833, a Georgian attacked two Cherokee women and tried to rape them. When they took their story to the civil authorities, "they were told that it was illegal for them to testify against a white man". These policies came in the frame that Jackson created for southern States when he encouraged them to pressure the Natives to leave; he told Georgia Congressmen, "Build a fire under them {the Indians}, when it gets hot enough, they will move".

The reasons behind the policy of removal are summarized in the following:

- 1. Continued increase in numbers of immigrants to the United States.
- 2. Need for more resources, i.e. new land to plant cotton for which the demand was so high.
- 3. Natives' decision to no longer sell land to the federal government.
- 4. Slow pace in the process of civilization as alleged by the white people.
- 5. Emergence of scientific racism
- 6. Discovery of gold in the southeast, especially in the Cherokee land.
- 7. The defeat of the Creek in 1812 ended any threat by the Natives as a military force in the East Coast and eliminated the British in Canada as a threat. 106

Kenneth Penn Davis, "Chaos in the Indian Country: The Cherokee Nation 1828-35", in Duane H. King, *The Cherokee Indian Nation A Troubled History*, pp. 130-131

James Wilson, The Earth Shall Weep A History of Native America, Atlantic Monthly Press,

William Anderson (ed.), Cherokee Removal Before and After, The University of Georgia Press, 1991, p. ix

The Treaty of 1817, was the first treaty with the Cherokees that had mention of removal as a policy. It proposed to send the Cherokees west of the Mississippi. Between 1500 to 2000 Cherokees chose to leave to the West while the large majority of the Nation opposed removal. 107

The Cherokees reverted to peaceful means in opposing removal policy, taking their case to the United States Supreme Court. In spite of the ruling that was in their favor, Georgia refused to concede. In his decision, Chief Justice John Marshal said "acts of Georgia are repugnant to the Constitution ... They are in direct hostility with treaties {which} ... solemnly pledge the faith of the United States to restrain their citizens from trespassing on it {Cherokee Territory}". 108

In spite of all the developments the Cherokee made in becoming "more civilized", American policy towards the Natives and especially against the Cherokees regressed after the election of Andrew Jackson. Before becoming President, Jackson was active among American frontier settlers who denounced the Natives as "wretched savages" and "unworthy stewards". They perceived the Natives to be "a degraded brutal race of savages, whom it was the will of God should perish at the approach of civilization". Jackson hated the idea of dealing with the Natives through treaties. He thought Native Americans were American subjects who had no sovereignty. He therefore, believed that they should be subject to Congress. At the same time, he called for segregating the two races. Because many Natives refrained from selling lands to settlers, it was impractical to acquire

¹⁰⁷ Ibid.

¹⁰⁸Peter Nabokov (ed.), Native American Testimony An Anthology of Indian and White Relations, First Encounter to Dispossession, Harper Colophon Books, Harper and Row, New York, 1978, , p. 187

lands through treaties. Jackson's policy as President was exploitive, coercive and cheapening. Withholding their annuities, Jackson forced Natives to make concessions. He also banned missionaries who encouraged Natives to remain on their lands. Moreover, Jackson authorized commissioners to buy whisky to entertain Natives who met to discuss important issues in the councils. He defied even the decisions of the United States Supreme Court and ignored its ruling concerning Wercester v. Georgia which recognized the natives' cause against the settlers as just. This action of Jackson gave a green light to all frontier settlers to continue with their encroachment. Later on, Jackson adopted a patronizing and paternalistic policy towards the Natives who had been moved to the West, which aimed to keep them dependent. Interested in moving the Natives west, Jackson pressured Congress to adopt a law legalizing their removal and the appropriation of their lands. Congress became a theater for debate among those who supported the policy of removal and those who opposed it. 109 New York senator Frelinghuysen, asked "Is it one of the prerogatives of the white man, that he may disregard the dictates of moral principles, when an Indian shall be concerned?" 110 The debate was raised among intellectuals and the media too. Ralph Waldo Emerson protested "The soul of man, the justice, the mercy that is the heart's heart in all men, from Maine to Georgia, does abhor this business". 111 Jackson used some priests in gaining support for his plan. Other religious bodies opposed But their activities were in vain and the Indian Removal Act became removal.

^{*} The annuity was the annual cash payment the US was to pay tribal members or leaders.

Arrell M. Gibson, The American Indian Prehistory and the Present, pp.305-308

¹¹⁰ William T. Hagan, American Indian, p. 70

¹¹¹ Ibid.

law in 1830. Congress also adopted laws to create the federal bureaucracy that would carry out removal. Following this federal officials tried to convince the Cherokees to leave. Some immigration took place, but it was very limited. Mistreatment of the Cherokee people continued. President Jackson gave orders to stop paying the annuity to the leaders and to start distributing them on individuals. This meant that each individual would get 50 cents. This was a policy to weaken the leaders who opposed removal and pressured them and the whole nation. Meanwhile, the federal officials encouraged leaders of Western Cherokees who had already gone West to visit the Nation and encourage the others to leave but they were not successful.

Removal:

After seven years of continued pressure from the federal government manifested by declining to force the State to adhere to the Supreme Court's ruling and the consistent oppressive and restricting policies imposed by Georgia and its non-compliance with the ruling, some 20 Cherokee men who were not the elected leadership to sign a treaty of removal with the US in 1835. The treaty will be the scope of study in chapter four. What is important here, however, is the removal process itself and the expulsion of a people from their land. The vast majority of the Cherokees opposed the forced relocation. The Cherokees were ready to

Arrell M. Gibson, The American Indian Prehistory to the Present, p. 309

¹¹³Kenneth Penn Davis, "Chaos in the Indian Country: The Cherokee Nation, 1825-35, in Duane H, King, *The Cherokee Removal A Troubled History*, p. 131

¹¹⁴Ibid., pp. 132-133

Grant Foreman, Indian Removal, University of Oklahoma Press, Norman and London, 1972, p. 240

remain on their lands and to suffer till death. 116 As mentioned elsewhere, the government allowed Cherokees wishing to stay on ceded land in the East to take a 640-acre reserve and to obtain citizenship. The Cherokees did not support the 1817 treaty and the Cherokee Council voted in 1819 denying each Cherokee who emigrated or accepted reserved land from Cherokee citizenship. Cherokees in North Carolina accepted citizenship in the State and thus were excluded from In spite of long strides Cherokees made towards white civilization, removal. 117 the US government was determined to get rid of them. The Cherokees were an example white leaders used to encourage other Natives in adopting the civilization As Mary Young wrote, "The Cherokees were the mirror of the American Republic", but this did not spare them removal. 118 At the urge of Governor Gilmer of Georgia, Jackson appointed Benjamin Curry as the superintendent of removal for the Cherokee Nation. Another agent was appointed as the disbursing agent for their removal, ensuring wagons and flatboats were available to carry the Cherokees westward. The superintendent and his assistants encouraged Cherokees to leave, enrolling and sending them West. Very few left and many of them died on the way as a result of disease and starvation. Also those among the nation who opposed removal discouraged others who were enrolled to leave. The enforced removal was entrusted to Gen. Winfield Scott who was to assume control of the forces within the Nation and authorized to enlist about 4000 militia men from the surrounding states. The total recruited was 7000 armed men

Helen Hunt Jackson, A Century of Dishonor, p. 279

¹¹⁷ William Anderson (ed.) Cherokee Removal Before and After, p.x

Mary Young, "The Cherokee Nation: Mirror of the Republic", *American Quarterly*, Vol 33, winter 1981, pp. 501-25

while the Cherokee Nation was already disarmed. Gen. Scott issued a proclamation warning the Cherokee people opposed to removal that before the next month the entire Cherokee nation would indeed be removed. 119 Consequently, the Cherokees were herded into concentration camps.

"The history of this Cherokee removal of 1838, as gleaned by the author from the lips of actors in the tragedy, may well exceed in weight of grief and pathos any other passage in American history. Even the much-sung exile of the Acadians falls far behind in its sum of death and misery. Under Scott's orders the troops were disposed at various points throughout the Cherokee country, where stockade forts were erected for gathering and holding the Indians preparatory to From these, squads of troops were sent to search out with removal. rifle and bayonet every small cabin hidden away in the covers or by the sides of mountain streams, to seize and bring in as prisoners all the occupants, however or wherever they might be found. Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade. Men were seized in their fields or going along the road, women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and So keen were these outlaws on the scent that in some pillage. instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started the owners on Systematic hunts were made by the same men for their direction. Indian graves, to rob them of the silver pendants and other valuables deposited with the dead. A Georgia volunteer, afterward a colonel in the Confederate service, said, "I fought through the civil war and have

¹¹⁹Grant Foreman, *Indian Removal*, p. 286

seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew". 120

In such stockades, men were gathered as prisoners. They were taken without any of their belongings and thus, in a matter of moments were made poor. Women were raped. Disease such as measles and cholera broke out. The stockades were crowded and when 17, 000 were gathered, the removal process began. Still, In spite of the soldiers campaign, approximately one thousand Cherokees succeeded in fleeing to the mountains and thus escaped removal. The Cherokees were taken by boats to the West and many died on their way. The removal was carried out in the hot season at the beginning 121 and with diseases led to many deaths. Upon their arrival, they were given tents to protect them form the weather. Then they were taken by wagons. This led Ross, the principal Cherokee leader, to call on the superintendent of removal to "spare their lives" by postponing their removal to the fall. 122 The Cherokees' request was granted. Cherokees left in 13 groups and deaths occurred almost everyday. The Cherokee called the road they traveled the When they arrived they faced starvation and sickness. 123 Some Trail of Tears. Cherokees died of diseases; other were shot by soldiers; others died due to starvation and some Cherokees froze to death in the cold. As the direct result of removal, over 4000 Cherokees died- one fifth of the population. 124 Among the 1400 Cherokees who escaped removal were the 700 traditional, full-blood Cherokees who remained in North Carolina, refusing to leave because they were

¹²⁰Ibid., cit., p. 287 ¹²¹Ibid., p.289-299 ¹²²Ibid., p. 299

William Anderson (ed.), Cherokee Removal Before and After, pp.82

¹²⁴Ibid., pp. 83-84

North Carolinian citizens. This number also included those who fled from soldiers; 400 others who lived also in North Carolina but were more acculturated and finally another 300 Cherokees living in Georgia, Alabama and Tennessee. Removal had drastic impact on the Cherokee Nation. The new place that they moved to, nowadays Oklahoma, entailed many dangers posed by the surrounding Native Nations that inhabited it. Factionalism and civil war erupted in the Nation after arrival. In their new place of residence the Cherokees had to deal with feelings of humiliation and loss.

The fate of the Cherokees resonates with that of the Palestinian people who, one hundred years later faced much the same catastrophe, experiencing a similar process of expulsion from their homeland.

¹²⁵Ibid., pp. 105-106

The Palestinians:

Early Settlement:

Zionist settlers were not the first Europeans that the Natives of Palestine encountered. The people of Palestine, during the advent of Zionism, "constituted the cumulative human residue, ethnic layer upon ethnic layer, of the admixture of all the peoples, (including the ancient Hebrews and their descendants), who had entered and left Palestine since time immemorial." The people of Palestine had a distinct identity as Palestinians as political scientist John Quigley wrote,

"Though Palestine had not been administered by Turkey as a single unit, Palestine had its identity from ancient times and was considered as a territorial unit into modern times by its inhabitants -and by Europeans- who referred to its either as Palestine or as the Holy Land." 127

When the Zionist settlers began moving to Palestine, they saw with their own eyes that the land was not empty. Although Zionist propaganda that preceded Jewish immigration to Palestine had very little mention of the indigenous Arab population. Of course, typical of Zionist propaganda was Zangwill's slogan "A land without a people for a people without a land." In 1905, Yitzak Epstein sarcastically criticized Zionist leadership for "overlooking a rather marginal fact-that in our beloved land there lives an entire people that has been dwelling there for centuries and never considered leaving it." The emptiness of Palestine was

Walid Khalidi, "A Palestinian Perspective on Arab-Israeli Conflict", *Journal of Palestine Studies*, Institute for Palestine Studies and Kuwait University, Washington D.C., Vol. XIV, No. 4, Summer, 1985p. 38

James Ciment, Palestine/Israel the Long Conflict, cit., p. 25

Amos Elon, *The Israelis Founders and Sons*, Adam publishers, Tel Aviv, 1981, p. 148

Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, p. 95

one legal justification used by Zionists to justify their settling of the land. Zionists created this myth of an empty Palestine in order to encourage settlers from Europe to move there. Thus, Palestine was described as desolate and forsaken waiting for its redeemers. It was described as a virgin land. According to Smilansky, such myth accounted for the negative attitudes settlers adopted In 1891, Ahad Ha'am observed that new settlers against Native Palestinians. 130 were behaving with hostility and cruelty towards the Arabs. They encroached upon the local community, beat them for no reason and would then boast about In Ben Gurion's, A Personal History, Palestine, before the colonists arrived, is described to be "in a virtual state of anarchy ... primitive, neglected and derelict."132 In addition to vacancy of the land, Zionists used another justification in order to settle Palestine -their religious God-given right- the unbroken physical connection between the Jewish people and their homeland. 133 Thus, theology was exploited to help create the state of Israel justifying Jewish immigration as the fulfillment of a promise made by God. 134 Occupying the West Bank and maintaining it under Israeli control was also justified with the religious argument for Shimon Peres said, "there is no argument in Israel about our historic rights in the land of Israel. The past is immutable and the Bible is the decisive document

4.

¹³⁰ Ibid.

¹³¹Ibid., p. 111

¹³²Ibid., cit., p. 96

¹³³Ibid., pp. 96-97

¹³⁴Nicholas Guyatt, *The Absence of Peace Understanding the Israeli-Palestinian Conflict*, Zed Books, New York, 1998, p. 1

in determining the fate of our land."¹³⁵ This linkage to an ancient biblical era was made clear in the Israeli Declaration of Independence,

"Exiled form the Land of Israel, the Jewish people remained faithful to it in all the countries of the dispersion, never ceasing to pray and hope for their return and the restoration of their national freedom." ¹³⁶

Veteran Zionist leader, Menachem Ussishkin wrote that "the Arabs recognize unconditionally the historical title of Jews to the land." The divine right that Zionists claim to Palestine was also used by other colonizing projects such as the American one, evoking the same rhetoric of the chosen people and the divine mission. According to Finkelstein, "Zionism's "historical right" to Palestine was neither historical nor a right. It was not historical inasmuch as it voided the two millennia of non-Jewish settlement in Palestine and the two millennia of Jewish settlement outside it. It was not a right, except in the Romantic "mysticism" of "blood and soil" and the Romantic "cult" of "death", heroes, and graves". ¹³⁸

No matter what the justifications were, early settlers knew the land was inhabited, but some chose to ignore it while others tried to overcome it. Some Jewish colonists believed they were working in a political void. Entering Jaffa, Ben Yehuda, the father of modern Hebrew, faced a sudden crisis of conscience.

"He saw himself coming to "this country as a proselyte, a stranger, the son of a foreign country and a foreign people; in this, the land of my forefathers, I have no political and no civil right... I suddenly broke. Something like remorse rose in the depths of my soul. ... My

¹³⁵Noam Chomsky, The Fateful Triangle, cit., South End Press, Boston, MA, 1983, p. 54

Walter Laqueur and Barry Rubin (eds.), *The Israel - Arab Reader*, Penguin Books, London, 5th ed., pp. 107-9.

Norman Finkelstein, p. 100

¹³⁸Ibid., p. 101

feet stood on the holy ground the land of the forefathers, and in my heart there was no joy. ... I did not embrace the rocks. I stood shocked. Dread! Dread!" 139

Zionist leaders overlooked the fact that there were natives in Palestine and that they might oppose Zionism. When the Palestinian presence was acknowledged, then the justification was that Jewish settlement would greatly benefit their community. Thus, Zionist thinkers assumed that Arabs would welcome the Jews into their land. 140 Herzl's characterization of the Arab sphere, as a "plague-ridden blighted corner of the Orient" to which Jews "would bring cleanliness, order and well-distilled customs of the Occident", gave the Jews a sense of mission. At the beginning, there was no actual contact between settlers and the Arabs. Some Jews believed that the Palestinians were descendants of the ancient Jewish tribes and that being surrounded by Jews, those Arabs would convert to Judaism. 142 However, from the very beginning, many Jews realized the need to get rid of the Arabs to ensure their settling of the land. Herzl believed the Natives would resist Zionist occupation and thus "recommended that they be dealt with through assured supremacy, a euphemism for brute force and military superiority". 143 From the beginning, Herzl wrote, "military power is an essential component of this strategy... that ideally, the Zionists should acquire the land of their choice by

¹³⁹Amos Elon, The Israelis Founders and Sons, p. 150

¹⁴⁰Ibid., p. 150

¹⁴¹Clifford Wright, Facts and Fables The Arab Israeli Conflict, Kegan Paul International, London, 1989, p. 2

¹⁴²Amos Elon, The Israelis Founders and Sons, p. 165

¹⁴³Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 2

armed conquest."¹⁴⁴ Another means he considered early in the process of colonization was transfer; he wrote in his diaries that they will get rid of the Natives by "spiriting the penniless population across the border ... discretely and circumspectly". Thus, he tried to establish a Zionist colonization association in Palestine with the right to deport the Native Palestinians. These two policies appeared in Zionist literature from early days were later employed in the process of claiming the land.

The program of the first Zionist Congress of Bale held in 1897 specified that the aim of Zionism was to create a home for the Jewish people in Palestine, accomplished through advancing Jewish settlement there. The highest priority for the Zionist movement was immigration, purchasing land, settling it, and developing a Jewish community in Palestine. The first Zionist community in Palestine can be traced to the arrival of the Bilu group in 1882 which marks the First Aliya. It is worth mentioning that there were several modern settlement schemes before 1882. Sir Moses Montefiore, together with the Rothschilds bought land in Palestine and funded the construction of a hospital in Jerusalem and a school in 1850s. But it was not until the 1890s that Rumanian settlers started living on his land. Agriculture was an essential part in any program of developing a Jewish society in Palestine. Rumanian Jews started the settlement of Petah Tikva in 1878, but it soon failed and settlers left. Thus, around 1881,

1

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶Ibid., pp. 2-3

¹⁴⁷Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 48

The term used by Jews to describe the immigration of a Jew to Palestine. The Hebrew word means rising

approximately 1000 Jews were settled in Palestine and working in agriculture. In 1882, Hovevi Zion from both Russia and Rumania started migrating in to Palestine and establishing agricultural communities. Russian Jews began the settlement of Rishon Le-Zion. At the end of the century, there were some 20 Jewish agricultural settlements in Palestine with about 5000 men and women living in them. Jewish settlers were poorly prepared for farming. Many of them were ill of malaria that they brought to the country. Some of the settlers lived in caves. Less than 20% of the newcomers lived in the new settlements or worked in agriculture while many others took jobs in major towns of Palestine. Many immigrants returned to Europe or immigrated to the United States. It is only through the support of philanthropists such as Baron Rothschild that these new colonies survived for he provided financial and technical support for agricultural enterprises. 148 Instead of working with their own hands, Jewish agriculturists became dependent on local Palestinians for labor. 149 Palestinian farmers were willing to work for less pay and were more experienced in farming. This situation annoyed Zionist thinkers like Ahad Ha'am because it meant that wages would go down whereby discourage Jewish labor to immigrate to Palestine. The first Aliva. which lasted until 1903, succeeded however, in increasing the number of the Jewish community by about 25,000. During this period, they established a number of new agricultural communities. Jews also moved to some Palestinian cities and built new neighborhoods in both Jaffa and Haifa. Between 1904 and 1913, the Second Aliya brought a large number of Jews from Russia following the

148 James Ciment, Palestine/Israel the Long History, p. 26

¹⁴⁹Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 59-60

failed 1905 revolution. This period played a major role in transforming the Yishuv into a modern and integrated polity. 150

Zionists created several organizations such as the Karen Kayemet and others that were able to grant practical assistance to the new settlers.

Substantial numbers of the second wave of settlers were educated in the modern sciences and had some kind of socialist orientation. ¹⁵¹ Motivated by such ideals of the Russian Revolution, settlers created new forms of agricultural settlements such as the moshav, "a cooperative agricultural village in which workers own small plots of land but carry out marketing and many aspects of production on a collective basis" A second form was the kibutz which grew out of the national farm where the Jewish National Fund bought the land and workers were employed to cultivate under the supervision of trained agronomists. The Kibutz represented a model of European socialism which encouraged many Jews to immigrate since it represented a revolutionary model. The Jews aimed to create a self-dependent society relying alone on its labor. In addition to agriculture, the Zionist community wanted to establish an industrial base and create a modern urban population. Thus, Tel Aviv was established in 1909. Hebrew became the language of the new community, helping to unite immigrants and show cultural

¹⁵⁰Arthur Goldschmit, Jr., A Concise History of the Middle East, 3rd, ed., Westview Press,

Boulder and London, 1988, p. 250

¹⁵¹Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 60-63

¹⁵²Ibid., p. 64

uniqueness for the emerging community. The impact of socialism on the politics of the newcomers was apparent but was exclusive of the Arabs. One can conclude that before 1916, most Jewish settlers overlooked the Arabs. But during the 1920s, Weizmann began to see the problem in a new light and started looking for interim formulas. The public opinion among Zionists during the 1930s was that of proclaiming a Jewish state as the aim of Zionism. The labor-Zionist method of colonization went through stages:

- 1. The first stage was the arrival of the earliest Zionist colonists in 1882 attempting to create a pure settlement colony based on farmers who adopted the Palestinian agricultural methods. It failed as their income could not meet the standard demands of European Jews.
- 2. The second stage (1882-1900): Developing an ethnic plantation colony supported by Rothschild, the Yishuv depended on Arab workers with a small Jewish labor force and thus limited Jewish immigration since salaries were meager.
- 3. The third stage (1900): Rothschild stopped funding the plantations. As a result, wages paid to the Jews were reduced and many left the country unable to remain with so little money. These workers were replaced by Arabs. With the departure of Rotschild from the scene, the accumulation of land was interrupted, so colonizers could not fulfill their desire of becoming landowners.

¹⁵³ Ibid., pp. 65-67

¹⁵⁴Amos Elon, The Israelis Founders and Sons, p. 166

¹⁵⁵ Ibid., pp. 175-176

- 4. The fourth stage (with the second Aliya): Immigrants with no property entered the labor market, so as to lower their standard of living to that of the Palestinians.
- Israel and forming the Israeli nation. In 1905, Jewish laborers abandoned the idea of equalizing the wages with Palestinian peasants and became interested in domineering labor. Their slogan became: "a necessary condition for the realization of Zionism is the conquest of all jobs in Palestine by Jews." The "conquest of labor" changed workers into militant nationalists who wanted a homogeneous society with no use of the Natives and consequently no Natives at all. Thus Jewish laborers grew to be exclusivists. 157
- The sixth stage began in 1909 when the World Zionist Organization created the Jewish National Fund with the purpose of buying land, converting it to Jewish land and creating a national property. With the adoption of internal colonization, the kibutz resulted. The pure settlement colony became dominant in the Zionists colonization process -including the control of land, employment that ensured the European standard of living, and massive immigration. The pure settlement colony and massive immigration.

¹⁵⁶Ibid., p. 88

¹⁵⁷Ibid., p. 88

¹⁵⁸ Ibid.

¹⁵⁹ Ibid.

The Impact of the Early Contacts on the Arab Palestinian Community:

The sense of being an Arab was developed by societies, publications, speeches and congresses- the result of Turkish policies which gave Arabs a common enemy. In addition the Young Turk Revolution granted Arabs from different provinces an opportunity to meet each other. Nationalist movements grew during the inter-war period and supported the quest for self-rule and freedom. They insisted on the authenticity, validity and dignity of the Arab and the Islamic civilization and expressed their desire to create a political system that would represent their culture and aspirations. Israeli scholar Y. Porath demonstrated that at the end of the Ottoman period, the concept of Filastin was already widespread among the educated Arab public, denoting either the whole of Palestine or the Jerusalem Sanjak alone.

Palestinians and Zionists came into contact by the end of the nineteenth century. The early contacts led to both cooperation and conflict. Zionists made themselves known to both peasants and local merchants and landlords. At the political level, the two sides came to know each other and in some cases opened dialogue. However, there were Arab warning voices from the beginning that questioned the intentions of the Zionist movement. Nagib Azuri, published a book in Paris called *Le Reveil de la Nation Arab* attacking Zionism. He commented on the two national movements,

"The important phenomena of a similar nature and yet opposed, at present manifest themselves in Asian Turkey. These are the

¹⁶⁰Amos Elon, *The Israelis Founders and Sons*, p. 149

¹⁶¹Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 120-122

¹⁶²Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 5

awakening Arab nation and the latent effort of the Jews to reconstitute on a very large scale the ancient kingdom of Israel. The two movements are destined to combat one another continuously until one is beaten by the other." ¹⁶³

What shaped the relation between the two sides was, however, the economic situation in Palestine. The population of Palestine was 590,000 in 1890, of which 96% was Arab. Some epidemics were common to the country such as cholera, smallpox and malaria. Land was owned by individual peasants, but much of it was owned by absentee landlords. The fact that there was no professional or bureaucratic middle class contributed to the lack of development. The elite was traditional and a new intellectual and political current was emerging while the country continued to be dominated by few antagonist families. Few Palestinian organizations such as the Nablus Youth Society existed. Such groups were of an anti-Zionist nature and had an Arab-nationalist orientation. 164

Before World War I, the Arabs' early responses to the Zionist settlers developed from dialogue and cooperation to indifference followed by suspicion that led eventually to active mutual rivalry.

Conflicts with the First Jewish Settlers:

From the beginning, some Palestinian notables opposed Jewish immigration and land purchases. Telegrams were sent in 1891 to Constantinpole expressing their fear of a Jewish monopoly over trade. In 1901, Jerusalem's Palestinian notables signed a petition protesting Ottoman regulations that allowed foreign residents to

¹⁶³Amos Elon, The Israelis Founders and Sons, p. 154

Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 123-126

buy land. Ottomans limited Jewish immigration and colonization of Palestine both pre and post 1908 because they feared creating yet another problem of nationality in their empire that was splitting all over due to nationalist issues. No European government challenged the Ottomans at that time. The second Aliya of the Zionists created disputes between Zionists and Arabs but they were small and isolated incidents. The early Arab attitude towards Zionism was summed up by Mandel,

"By the eve of the Young Turk Revolution, which took place in the summer of 1908, it is clear that Arab anti-Zionism had not yet emerged. On the other hand, there was unease about the expanding Jewish community in Palestine, and growing antagonism toward it.... Thus, to the extent that Arab attention had been drawn to the Jewish newcomers by 1908, the issue was probably still seen in terms of immigration rather than Zionism. And in light of later expressions of opinion, one can speculate that the majority view was close to that contained in the report submitted by local notables in Jerusalem in 1899- that either the entry restrictions be made to work, or Jews be allowed to settle in Palestine, provided that they become Ottoman subjects." 168

Between 1908 and 1914, explicit anti Zionism developed as Arab patriotism and national political activity grew. Newspapers, journals and meetings expressed anti-Zionist ideas. The first and half decades of the twentieth century were marked by opposition to Zionism. Arabs feared that Jewish immigration was

¹⁶⁵Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 127

¹⁶⁶Arthur Goldschmidt, Jr., A Concise History of the Middle East, p. 252

James Ciment, Paletine/Israel the Long Conflict, p. 29

Mark Tessler, A History of the Israeli-Palestinian Conflict, cited, p. 128

undermining the Palestinian character of Palestine. Elite leadership that was both conservative and traditional sought constitutional reform and greater local autonomy. A number of factors prevented opposition to Zionism from growing more quickly. Among those factors was the weakness of the political movements. But by the eve of the World War I, Muslim as well as Christian Arabs were opposing Zionism. The King-Crane Commission, appointed by President Woodrow Wilson, clarified the Palestinian attitude:

"if ... the wishes of Palestine's population are to be decisive as to what is to be done with Palestine, then it is to be remembered that the non-Jewish population of Palestine - nearly nine-tenths of the whole - are emphatically against the entire Zionist program." ¹⁷⁰

Zionist leaders realized that the Arab presence could pose obstacles in the settlement process, but the Arabs were unable to "arrest the whole process". ¹⁷¹ Opposition to Zionism increased, although the Zionist leaders did not talk about it publicly. Ben Gurion was aware of the indigenous Palestinians' opposition to the Zionists but, "in our political argument abroad we minimize Arab opposition to us", ¹⁷² he wrote. He knew the truth, for he said, "politically we are the aggressors and they defend themselves The country is theirs because they inhabit it, whereas we want to come here and settle down, and in their view we want to take away from them their country, while we are still outside." ¹⁷³ Very few Zionists, especially among those who lived in the Yishuv, were interested in Jewish-Arab

173 Ibid.

Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 129-132

¹⁷⁰Clifford Wright, Facts and Fables The Arab Israeli Conflict, cited, p. 8

¹⁷¹Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 135

Noam Chomsky, The Fateful Triangle, cit., p. 91

relation and cooperation. Some spoke of the shared cultural origins of the two peoples and the need to explore Arabic language, roots, origins and literature in order to reveal those of Israel. 174

Pioneer settlers were busy tiling the land and singing,

"There in the marvelous land of the forefathers,

All our hopes shall be fulfilled.

There we'll live, and there'll we'll work,

A life that is free, a life that is pure."175

Gorny identified three schools of thought that people of the Yishuv held in regard to the Palestinians:

1- Separatists: These were the Zionists who feared the assimilation of Jewish settlers into Arabic culture. For example, Moshe Smilansky, a prominent Yishuv leader adopted a separatist position by urging the Jews "to keep their distance from the fellahin and their base attitudes ... lest our children adopt their ways and learn from their ugly deeds." They denied the legitimacy of Arab political ambitions and believed that the Arabs were merely "a collection of warring faction and tribes" and not a nation. During the years before the World War I, this separatist outlook gained more support with the deterioration of Arab-Jewish relations. This attitude was in tune with the exclusivist impulse of Zionism. ¹⁷⁷ As

¹⁷⁴Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 135

¹⁷⁵Amos Elon, The Israelis Founders and Sons, p. 164

Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 136

¹⁷⁷Nicholas Guyatt, The Absence of Peace Understanding the Israeli-Palestinian Conflict, p. 3

Zionist settlers expected to find "a land without people", they were not prepared to live together and therefore endorsed "exclusivist and separatist policies." ¹⁷⁸

2- Some of the separatist leaders like Zangwell called for the expulsion of Arabs from Palestine because the land was too small to accommodate both peoples. Zangwell said, "we must be prepared to expel (the country's non Jewish population) from the land by the sword, just as our forefathers did to the tribes that occupied it."

3- Liberal school: This school recognized the Arabs as a nation who had a role in Palestine's future, but one that was subordinate to that of the Jews. Advocates of this school adopted a positive attitude toward the Arabs and wanted personal friendships with them. By granting medical help and agricultural loans they thought they would gain the support of Palestinian leaders. Because of the Jewish people. Some of the leaders who belonged to the national cause of the Jewish people. Some of the leaders who belonged to this school acknowledged that Palestine contained two peoples who possessing equal national rights and urged the Zionist movement to pay more attention to improving relations with the Arabs, while continuing, of course, to give highest priority to the needs of Jewish labor.

¹⁷⁸Ibid., p.4

¹⁷⁹Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 138

¹⁸⁰Ibid.

¹⁸¹Ibid., p. 139

¹⁸²Ibid., p. 140

Early Efforts of Cooperation Outside Palestine:

Until 1913, Arab opposition to Zionism had not crystallized. There were contacts between Zionist leaders and Arab representatives in Constantinople. There was a considerable diversity in Arab opinion outside Palestine regarding Zionism. Some Arab leaders like the decentralists, especially outside Palestine, believed that immigration could bring economic benefits to Palestine without threatening its future. Those leaders placed conditions on the Zionist presence in Palestine. According to these conditions, Zionists were not allowed to have a state nor to take over land. Some leaders believed that Zionists were able to help the Arab World in its struggle against European powers. 183

Contacts continued but without yielding fruitful results until the World War I erupted. Factors such as Palestinian anti-Zionism, Zionist hesitation and Turkish opposition blocked such an alliance between the two parties. Among the Arab leaders who agreed to meet the Zionists were very few Palestinians and even those were not among the leaders that held high status. Anti-Zionist societies were established on the eve of the war. A political communiqué, distributed in Jerusalem in 1914, indicated growing anti-Zionist feelings among Palestinians, "Men! ... Do you wish to be slaves of the Zionists who have come to you to expel you from your country, saying that this country is theirs?" Thus, efforts to create cooperation ended. Palestinians were aware of the dangers that Zionist immigration posed, Arif al- Arif, later mayor of Jerusalem wrote,

¹⁸³Ibid., pp. 141-142

¹⁸⁴Ibid., p. 144

"if this state of affairs continues... then the Zionists will gain mastery over our country, village by village, town by town; tomorrow the whole of Jerusalem will be sold and then Palestine in its entirety." 185

As a result of World War I, the population of Palestine decreased. Some Palestinian leaders were executed and some Zionist leaders were either imprisoned or deported. There was a shortage of food and starvation and hunger prevailed. 604,000 Arabs and 85,000 Jews inhabited Palestine in 1914. 186

After the war, Britain dealt with conflicting promises it had made with the two parties during the war. In 1915, it promised an Arab State to Sharif Husayn in the entire Arab region lying between Persia to the east and the Mediterranean and the Red Sea to the west if the Arabs supported the allies in the war. Of course, the Arabs had done their part in carrying out the Arab Revolt against the Turks in 1916. The second promise that Britain made was in the Sykes-Picot agreement which divided much of the Arab Middle East between France and Britain. The third promise was the Balfour Declaration of 1917 in which Britain promised to establish a national home for the Jews in Palestine. Sharif Mecca called on the Arabs of Palestine to treat the Jews as brothers and to work with them for the advancement of the country in 1918.

An attempt of dialogue and cooperation between the Arabs and the Zionists was manifested in the Faycal - Weizmann agreement of 1919. The agreement that was written in a language of affections, promised to take all measures to encourage

¹⁸⁵Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 36

Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 145

¹⁸⁷Ibid., pp. 147-148

¹⁸⁸Ibid., p. 149

Jewish immigration to Palestine if the Zionists supported the development and independence of the Arab states. Such agreement had very little impact since they overlooked the reality on the ground where Arabs represented 90% of the population and the growing feelings of anti-Zionism among Arabs. 189

Palestinians were not allowed to take part in the Paris Conference. They considered Palestine and themselves as part of Arab Syria which was represented by Faycal. 190

After the King-Crane Commission's report was issued, Palestinians felt that the British would not fulfill Arab independence and that the Balfour Declaration was a denial of their rights and self-determination; they feared that increased Jewish immigration would lead to Arabs' economic and political subjection under Europe's Jews. 191 They suspected that the British would hold them in colonial bondage until Jews achieved a majority in Palestine and could form their state. 192 Palestinians felt "They had not been consulted at any level in the preparations of European plans for the disposal of their homeland and felt in no way bound peaceably to accept their implementation." 193

During the Mandate period, Britain facilitated Jewish immigration. The Mandate gave Palestine precise territorial boundaries. Since the Zionists aimed to establish

¹⁹⁰Ibid., pp. 154-156

¹⁸⁹Ibid., p. 152

¹⁹¹Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 8

¹⁹²Arthur Goldschmidt Jr., A Concise History of the Middle East, p. 154

¹⁹³ Noam Chomsky, The Fateful Triangle, p. 91

a national home for the Jews in Greater Israel, they protested the establishment of Transjordan and established the militant Revisionist Party in 1925. 194

Between the two world wars, an explicit Palestinian national consciousness started to shape. As a result, clashes between the two parties began in 1920 with an Arab assault on Jews in Jerusalem, then expanding to Jaffa and other cities. ¹⁹⁵
Two recurring themes appeared in the Palestinian argument:

1- the continuous Arab occupation of the land

2- the presence of Arab majority. 196

Porath revealed in his writings the Palestinians appeals for Arab unity; he said,

"Resistance to Zionism was the prime motive force behind Palestinian nationalist activity; their relation to the question of Arab unity in its various manifestations was a function of the efficacy of the anti-Zionist struggle. When they were of the opinion that unity would help them in this struggle, they lean towards it (1919-1920), but when they grew suspicious of the intentions of certain Arab nationalists from Syria with respect to Zionism, they dissociate themselves from them and tried to go it alone."

Britain appointed a Jew, Herbert Samuel, to work as its High Commissioner to Palestine. At the beginning, he facilitated immigration of the Jews to the country, but after living in Palestine, he developed a new understanding of the situation; at the end, many Zionists complained about his policies. Riots erupted in Jaffa in 1921 to protest Jewish immigration. The Haycraft Commission, appointed to investigate the riots, issued a report sating that Jewish immigration was the main

¹⁹⁴Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 162-165

¹⁹⁵Ibid., p. 165

¹⁹⁶Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 8

¹⁹⁷Ibid., cit., pp. 9-10

cause for the disturbances and blamed the Zionists for not paying any consideration to Arab interests. The High Commissioner, in accordance with the results of the report, declared a temporary suspension of immigration. ¹⁹⁸ Palestinians filed complains to the British government afterwards, but British solutions never included the annulment of the Balfour Declaration.

The other issue that was a source of conflict between the indigenous people of Palestine and the Zionist settlers were land purchases made by the Zionist Organization. Land bought by Jews became the property of the Jewish nation and could not be resold or leased to non-Jews. The land became Jewish. The World Zionist Organization founded the Palestine Foundation Fund and the Jewish National Fund to finance purchase of Arab land. Under these two organizations, land was bought from absentee land owners and local peasants were evicted. The purpose of getting ownership to this land was to settle Jews on it, and the money that was used for purchase was usually donated. The importance of buying land was expressed by Menachim Ussihkin who said,

"In order to establish autonomous Jewish community- life or, to be more precise, a Jewish state, in Eretz Yisrael, it is necessary, first of all, that all, or at least most, of Eretz Yisrael's lands will be the property of the Jewish people. Without ownership of the land, Eretz Yisrael will never become Jewish, be the number of Jews whatever it may be in the towns and even in the villages, and Jews will remain in

²⁰⁰James Ciment, Palestine/Israel the Long Conflict, p. 30

¹⁹⁸Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 170-172.

¹⁹⁹Ibid., pp. 173-174

²⁰¹Nicholas Guyatt, The Absence of Peace Understanding the Israeli-Palestinan Conflict, p. 17

the very same abnormal situation which characterizes them in Diaspora." ²⁰²

Jews bought land to strengthen their legitimacy to their "homeland". They believed that in cases of dividing land between Palestinian and Jews, land holdings might well-determine the extent and location of land allocated to them and they hoped to slow the process of an integrated Arab society. Thus, what determined the selection of a piece of land for purchase was "its place in the upbuilding and the attainment of a Jewish majority" which was far more important than the land's readiness to be cultivated or colonized. Zionists faced difficulties in buying lands because:

1- their financial resources were limited.

2- the price of land rose steadily and dramatically. 203

As a result of land purchases, a great number of peasants were displaced. The British government in 1920, adopted the Transfer of Land Ordinance which "required government approval for all sales of immovable property and specified that such agreement should not be given unless any tenant in occupation will retain sufficient land in the district or elsewhere for the maintenance of himself and his family."

Another problem that caused tension between the Palestinians and the Zionists was the question of Jewish labor. Of course, as early as 1917 and following the Balfour Declaration, the Zionist movement hoped to conquer Palestine under the slogan "In blood and fire shall Judea rise again". But the British Mandate limited

²⁰²Mark Tessler, A history of the Israeli-Palestinian Conflict, cit., p. 175

²⁰³Ibid., pp. 175-176

²⁰⁴Ibid., p. 178

this and thus, by necessity, Jews resorted to the use of labor in their colonization of Palestine. The rationale behind Jewish labor was the Jewish attempt to "reearn their historic birthplace through the bitter sweat of their brows." People who work hard to make deserts bloom could not be considered conquerors. They believed in "right through labor" but only applicable to themselves and not to Arabs. This made Israeli settlers feel superior to other colonists. Hebrew labor marked the beginning of the Zionist State since it was based on separate economic sector. The Hebrew Labor "contributed more than any other factor to the crystallization of the concept of territorial economic and social separation between Jews and Arabs."

The 1920s were marked by surface tranquility although hard feelings were building. Each community developed separately and independently as two unconnected entities. The Mandate period for the Yishuv was marked by conflict with the Arabs, and deterioration with the British; however, it maintained its continuity expansion. Between 1919 and 1923, 35,000 new immigrants entered Palestine, and between 1924 and 1931, another 35,000 immigrants arrived, most of the latter coming from Poland. Many institutions like the Zionist Army (Defense Force) and the Histadrut (workers' union) were established in 1920.

Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, p. 109

Amos Elon, The Israelis Founders and Sons, p. 169

²⁰⁷Ibid.

²⁰⁸Ibid., pp. 170-171

Sara Roy, The Gaza Strip The Political Economy of De-development, Institute of Palestine

Studies, Washington DC., 1995, p. 41
²¹⁰Mark Tessler, *A History of the Israeli-Palestinian Conflict*, pp. 183-187

The years between 1932 and 1939 witnessed the fifth Aliya which was affected by the rise of Nazism. Most European countries were already crowded with rising unemployment due to depression, leading many Jews to immigrate to Palestine for better opportunities. These years witnessed the immigration of about 200,000 Jews who entered the country legally or illegally. The thirties held for the Yishuv a growth in population, institutions and economics. The intense immigration led to the eruption of riots in 1936-1939. As a result, the British set a new quota for immigration limiting it to 10,000 Jews per year and after 1940, Britain in fact started deporting illegal immigrants. The Holocaust in Germany supported the need for establishing a homeland for the Jews where they could organize for their collective survival.

Economic and Social Developments in the Arab Community:

Zionist propaganda claimed that Palestine "was mostly desert, with only a few islands of Arab settlement, and Israel's cultivable land was indeed redeemed from swamp and wilderness." This propaganda overlooked Arab cultivation and the natural fertility of Palestine. It was Palestinians who expanded agricultural production and techniques during the 18th and 19th centuries before the arrival of Jewish settlers. An example is the Jaffa orange farms. In 1886, the American Consul in Jerusalem thought that Florida orange farmers could learn from Palestinian methods. ²¹⁴ By 1930, all land capable of being cultivated by

²¹¹Arthur Goldschmidt, Jr., A Concise History of the Middle East, p. 257

²¹²Mark Tessler, A History of the Israeli-Palestinian Conflict, p.208

²¹³ Ibid., p.p. 203, 209

²¹⁴Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 38

indigenous Palestinians (with means available) was already being farmed. In addition to this, by the end of the British Mandate, the area cultivated by Arabs was 5,484,700 dunams while that cultivated by the Jews was only 425,450 dunams. The famous Zionist claim of making the desert of the Negev bloom is completely refuted when one looks at the numbers. In 1935, Palestinians were farming 2,109,234 dunams in the Negev while Jewish landholdings were not more than 21,000 dunams meaning Palestinians made the desert bloom, not Zionists. ²¹⁵ Between 1922 and 1941, the Palestinian economy witnessed a horizontal growth that was manifested in greater number of commercial and industrial enterprises, expansion of Arab citriculture, increased urbanization of Arab population and enhanced opportunities for education and healthcare. ²¹⁶ During the Mandate, however, the protection that the village as the basic social unit offered the peasant was altered because

"Introduction of capitalist relations in Palestine dissolved the social structure of village life by creating a new context for the organization of economic exchange in which the fellah became increasingly dependant and vulnerable to external economic forces that ultimately contributed to his total disposition."

By 1945, the Palestinian population of Palestine was 1,256,000 and Arabs were the majority. Land losses converted many peasants into laborers, and new sectors opened by Jews and the Mandate authorities contributed to the proletarianization of a large sector of Arab peasants. This period witnessed growth in the

²¹⁵Ibid.

²¹⁶Sara Roy, Gaza Strip The Political Economy of De-Development, p. 51

²¹⁷Ibid., p. 43

Palestinian middle class and expansion in Arab business enterprises. Many social and economic transformations were taking place in the Palestinian arena and the Palestinians were indulged in a process of nation - building. About 30-40 political clubs were formed in Palestine after the WW I. Among their activities was opposition to Zionist immigration and the creation of a Jewish state in Palestine. 218 These clubs called for "unconditional independence for Greater Syria under the rule of Faycal and internal self-government for Palestine as part of the broader Syrian state",219 as well as the creation of an independent Palestinian legislature, elected by the locals. As early as 1921, the increasing fear of Zionist encroachment in their homeland made Palestinians petition Churchill in Cairo to grant the establishment of a national Palestinian government. 220 This comes in contradiction to what Zionists claim- that Arabs only wanted a state in Palestine after the Jews "made the desert bloom." Three major clubs emerged between the end of War World I and the beginning of the Mandate included the Muslim-Christian Association, whose members were largely nobles, 222 Al-Muntada al-Adabi (Literary Society) and al-Nadi al-Arabi (The Arab Club) whose members were of the grassroots, young and well-educated. Militant secret societies such as al Fidaiyya (self-sacrificers) and Jamiyyat al-Ikha wal Afaf (the Society of Brotherhood and Purity) were also established. Rivalry between notable families was reinforced by the Mandate authority through a policy of divide and rule,

²¹⁸Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 211-219

²¹⁹ Ibid n 219

²²⁰Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 36

²²¹Ibid., p. 37

Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 219

having a negative impact on the unity of the Palestinian people and on the adoption and implementation of effective political programs. During the Third Arab Congress held in Haifa in 1920, Palestinian nationalists convened and elected an executive committee called the Palestine Arab Executive. It's membership increased and greatly depended on the support of the grassroots. In the following congresses, the term Palestine had replaced southern Syria. 223 It is worth mentioning that the Palestine Congress in Haifa represented the political opinion that existed in Palestine at that time. 224 Another organization was the Supreme Muslim Council which had considerable power due to its religious The Council was involved in gaining support for Palestinian demands in the Arab world and played a role in preventing land sales to the Zionists. 225 During the 1930s, Palestinian political life was marked by an increase in the number of political parties and new sectors of the people entering political life. However, rivalry between notable families continued and the polarization between such groups as the Husaiynis and the Nashashibis divided the Palestinian society, dispersing any significant political effort. Meanwhile, the expansion of Zionist society pressured Palestinians towards cooperation and more radical policies. The difficult economic situation facing Zionists led to intense calls for Jewish labor which added to Arab anger. In response to the expansion of Zionism, the loss of Arab lands and the Zionist segregation policy, Palestinian nationalism became This led to more confrontational policies by the Palestinians

especially after it was discovered that arms were being smuggled by Zionists into

²²³Ibid., pp. 219-222 ²²⁴Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 36

Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 223-227

Palestine, and again after the death of Sheik Izz al-Din al-Qassam who had dedicated his life to opposing Zionists colonization. The political situation further deteriorated in 1936 and, as a result, the Higher Arab Committee was founded by the six existing Palestinian parties in an effort to coordinate strike activities. The purpose of the strike was to stop Jewish immigration. Riots erupted that led to the killing of several persons and the imprisonment of 2500. While the strike ended in October, demonstrations continued until 1939 in the activities of "the Arab Revolt". Haj Amin al-Husainy issued a fatwa (religious ruling) that forbade the selling of land to Zionists and branded real estate brokers as heretics.

What contributed to the failure of the national resistance was the fragmented and conservative leadership. It was a leadership blinded by personal ambition and jealousy that continued to work within the framework of clan politics. ²²⁹ It is worth mentioning, however, that "during the course of the revolt, the rebels, who represented a broad alliance of workers, and radical elements of the middle class, developed an effective military force and began to implement social and political programs that challenged A'yan (notable) leadership of the nationalist movement and threatened the bases of mercantile-landlord dominance." The leadership, however, remained in the hands of the conservative Palestinians who were unable

²²⁶Ibid., pp. 230-231

²²⁷Ibid., p. 231

Ted Swedenburg, "The Role of the Palestinian Peasantry in the Great Revolt (1936-9), in Ilan

Pappe (ed.), The Israel/Palestine Question Rewriting Histories, p. 150

Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 232

Ted Swedenburg, "The Role of the Palestinian Peasantry in the Great Revolt", in Ilan Pappe,

The Israel/Palestine Question Rewriting Histories, p. 131

agendas. The Arab Revolt of 1936 dragged the Palestinian economy down and affected the social order, thus suspending Palestinian resistance until after the WW II. With the collapse of national resistance and the flight of Haj Amin Al-Husayni, responsibility fell to Egypt and other Arab countries to represent the Palestinians. This succeeded in putting pressure on the British, but Palestinian interests were not at the top of the Arab countries' agenda. ²³¹

Contacts between the Palestinians and the Zionists were limited. The relationship between the two parties was characterized by suspicion and fear. The political separation between the two sides and the social distance that kept them apart was expressed by Shimon Peres in his account of the Arab villages,

"The director of the village tried to get us acquainted with the Arab villages around Ben-Shemen. We would go our hiking in the Judean Hills almost every Saturday, picking wild anemones and narcissus, and sometimes we would go over to an Arab village and be treated to pitta and hummos (flat bread and a paste of chick peas). Out attitude toward the Arabs was mixed. They seemed so strange to us, so terrifying, and yet the creatures closest to nature."

Although the two communities were distanced socially and separated politically, tension and violence marked the nature of their contacts. In 1929, violence erupted in Jerusalem and spread to other cities. In Hebron, 70 Jews were killed. When order was restored, 133 Jews had been killed and 339 wounded while 116 Arabs were killed and 232 wounded. ²³³ The friction increased in the 1920s as the

²³¹Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 232-233

²³²Ibid., cit., p. 234,

²³³Ibid., p. 236

JNF continued to buy plots from absentee landlords and use extra legal means to secure more territory.²³⁴ The Hope-Simpson Commission, formed in 1930, formulated a proposition on how to deal with the problems that led to the 1929 riots reporting, "It is wrong that a Jew from Poland, Lithuania or the Yemen should be admitted {to the country} to fill an existing vacancy, while in Palestine there are already workmen capable of filling that vacancy."235 Therefore, the Commission called for a reduction in Jewish immigration. As a result of the deterioration, the British government issued a White Paper which took into account the recommendations of the Hope-Simpson Committee, calling for limitations on Zionist land purchases. Both the White Paper and the committee report enraged the Zionists and were repudiated in a letter sent by the British Prime Minister to Weizmann in 1931. This became a pattern marking the situation in Palestine during the Mandate: disturbances erupt, commissions appointed to investigate and make recommendations on how to deal with the disturbances that would placate Arabs, Zionists object to the recommendations and then the British repudiate the recommendations. Thus, the situation was left unchanged.

Between 1933 and 1936, as a means of opposition to the Zionists, pressure was exerted by the Palestinians on the British government to reduce its support for the Zionist movement. Thus, the 1933 demonstrations in Jerusalem were directed against the government and clashes followed in Jaffa between the police and the

²³⁴Nicholas Guyatt, *The Absence of Peace Understanding the Israeli-Palestinian Conflict*, p. 3

²³⁵Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 236

²³⁶Ibid., p. 237

Disturbances continued with Palestinian resistance directed at Palestinians. 237 both the Zionists and the British government. They saw in the British government the guardian of the Jewish movement as manifested in the Balfour Declaration and in the supporting policies on the ground. The 1936 disturbances gave rise to the Peel Commission, boycotted by Arabs until the end of its investigation. It concluded that Arab disturbances were the result of their desire for an independent state and their fear of the establishment of a Jewish state on their land. It called for terminating the Mandate and the partition of the land, and creating a small The two parties rejected the Peel Commission's proposal. 238 The Jewish state. Zionists welcomed the proposal of creating a Jewish state but not according to the borders suggested and thus in the Zurich Zionist Congress of 1937, some Jews suggested the transfer of Palestinians from that part of Palestine where the Jewish state would be established.²³⁹ Another White Paper, issued by Britain in 1939, spoke of a bi-national state and proposed new limitations on immigration and Zionist land purchases. Issued on the eve of World War II, its aim was to placate the Arabs. The Arabs were not pleased with the white paper and Zionists strongly opposed it, feeling that Britain had forgotten its promise to build a Jewish state. The White Paper, however, guided the British policy in Palestine during the war years.240

During this time, land transfer regulations of 1940 divided the country into three zones and permitted the Jews to buy land without restrictions in only one of them

²³⁷Ibid., pp. 238-239

²³⁸Ibid., pp. 241-242

²³⁹Ibid., p. 244

Arthur Goldschmidt Jr., A Concise History of the Middle East, p. 258

(the coastal plain). Zionists, however, continued to buy land. Britain also limited Zionist immigrants and deported illegal ones.²⁴¹

In 1945, the population of the Yishuv was 554,000 and the smuggling of immigrants continued. The Zionist position hardened following news of the Holocaust and especially after the Baltimore Congress. Zionists gained international support for building a state on Palestinian land after the Nazi genocide. Weizmann approved the Partition according to a new plan but the new leader of the Zionists, Ben Gurion, refused it. The British Labor Party adopted a position that exceeded what Ben Gurion was ready to accept. They proposed transferring the Jews of Europe to Palestine with the intent of encouraging the Arabs to leave it. The Foreign Minister however placed restrictions on Jewish immigration, which only increased terrorism and violence. 243

Removal

By 1945, Jews owned only 6.6% of the land of Palestine. By the end of the Mandate, the Jewish community in Palestine represented one third of the population. This led them to more seriously think about ideas expressed earlier about removal and the use of military. Suggestions of transfer made by the British Labor Party, the Peel Commission in addition to ideas suggested by the Zurich Zionist Congress of 1937, led to Jewish terrorism as the first step to

²⁴¹Mark Tessler, A History of the Israeli-Palestinian Conflict, p. 246

²⁴²Nicholas Guyatt, *The Absence of Peace Understanding the Israeli-Palestinian Conflict*, p. 4

²⁴³Mark Tessler, A history of the Israeli-Palestinian Conflict, pp. 249-253

²⁴⁴Sara Roy, Gaza Strip The Political Economy of De-development, p. 33

achieve the removal of Arabs. "For most Zionists, ..., a mass exodus of the indigenous Arab population was always the optimum resolution of the Palestinian conflict."245 Labor Zionists did not question the morality of a mass transfer, but only its political effectiveness.²⁴⁶ Some Zionists supported a forced uprooting of Palestinians. For example, Berl Katznelson wrote in the late 1930s,

"A distant neighbor is better than a close enemy. They will not suffer through the transfer, and we most certainly will not. In the last analysis, this is a political settlement reform benefiting both parties. I have thought for some time that this is the best of all solutions, and during the riots I became more convinced that it must happen some day.",247

Dr. Yakov Thon, a founder member of the pacifist Brit Shalom wrote in 1937,

"Without transferring the Arab peasants to neighboring lands, we will not be able to bring into our future state a large new population. In short, without transfer there can be no Jewish immigration."248

Palestinians since 1948 have been exposed to systematic displacement. "Israel has devoted enormous energy to expelling them from their homes, to stripping away their identity, and to denying their existence and importance for the resolution of the conflict."249 As mentioned earlier, removal by force was a concept the Zionist movement pondered from its inception. In 1882, Zionists spoke of taking Palestine through force. "The final purposes ... are to take

²⁴⁵Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, cit., p. 16

²⁴⁶Ibid., cit., p. 16

²⁴⁷Ibid.

²⁴⁸Michael Palumbo, The Palestinian Catastrophe The 1948 Expulsion of a People from Their

Homeland, Quarter Books, London, 1989, p.4

²⁴⁹Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 10

possession in due course of Palestine and to restore to the Jews ... political independence. Furthermore it will be necessary to teach the young and the future generations the use of arms."250 Ahad Ha'am in 1891 wrote,

"Arabs are wild men of the desert an ignorant people who did not see and do not understand what is going on around them in time, when our people in Palestine shall have developed to such an extent that they will begin more or less to push aside the natives, the latter will not easily give way." 251

In 1911, local Zionists were thinking of means to rid the land of the Palestinian population. As mentioned earlier, too, the Peel Partition Plan suggested their removal. In 1937, Ben Gurion, said the Jews "must expel Arabs and take their Bearing in mind the Cherokee removal history, it is no wonder to see places."252 former US President Herbert Hoover calling for the "engineering of the removal of the Palestinians to Iraq."253 Avraham Ussishkin, head of Jewish National Fund believed that there was nothing immoral about transfer. "It is the most moral {thing to do}. We will not be able to begin our political life in a state in which Arabs constitute 45% {of the population}."254 Joseph Weitz, administrator responsible for Jewish colonization summed up the reason behind the plan of expelling Palestinians in 1940,

"Between ourselves it must be clear that there is no room for both peoples together in this country ... The only solution is a Palestine ... without Arabs. And there is no other way than to transfer the Arabs

²⁵¹Amos Elon, *The Israelis Founders and Sons*, cit., p. 172

²⁵⁰Ibid., p. 21

²⁵²Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 21

²⁵³ Ibid.

²⁵⁴ Ibid.

from here to the neighboring countries, to transfer all of them; not one village, not one tribe, should be left."255

Morris commenting on Ben Gurion seeing Palestinians fleeing before official Zionist attacks began in 1947, wrote,

"With a little nudging, with a limited expulsion here and the razing of a village there, and with a policy of military conquest usually preceded by mortar barrages, this trickle of an exodus, he realized, could be turned into a massive outflow."256

Israel came into being through well-planned military action and atrocities committed against Palestinian population.²⁵⁷ Official Zionist history describes methods of terrorism used in attacking Palestinians. Palestinian military and political leaders and journalists were to be liquidated according to such plans. 258 Zionist grassroot attitudes were of the same nature as recorded by an American journalist, Vincent Sheean, originally a Zionist sympathizer. Visiting Palestine in 1929, Sheean left the country after a few months with opposite feelings toward Zionism. He discovered that the Jewish settlers "had contempt {for the Arabs} as an "uncivilized race", to whom some of them referred as "Red Indians" and others as "savages", and felt that "We don't have to worry about the Arabs" who "will do anything for money." They looked upon the indigenous population as "mere squatters for thirteen centuries" so that it should "be feasible for the Zionists, by purchase, persuasion, and pressure, to get the Arabs out sooner or later and

²⁵⁵Clifford Wright, Facts and Fables The Arab Israeli Conflict, pp. 16-17

Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, cit., p. 70

²⁵⁷Nicholas Guyatt, The Absence of Peace Understanding the Israeli-Palestinian Conflict, p. 4

²⁵⁸Clifford Wright, Facts and Reality of the Arab Israeli Conflict, p. 17

convert Palestine into a Jewish national home."259 Vladimir Jabotinsky, in 1921, retorted by asking whether during the colonization processes of America and Australia anyone bothered to beg the natives for permission. 260 Jewish terrorism was directed towards the British as well as the Palestinians; Palestinian fighting was directed against the Jews. The Irgun and the Stern Groups carried out attacks on British police stations killing nine. Although mainstream Zionists condemned such attacks some historians suggest that the Haganah participated in such actions. In 1946, the Irgun blew up a wing of the King David Hotel in Jerusalem killing 91 people. By the end of 1946, the Irgun and Stern groups claimed the killing of 373 people of whom 300 were civilians. 261 In 1947, Britain turned the Palestinian conflict to the United Nations since it was unable to find a settlement to the situation. The UN formed an international committee UNSCOP (Special Committee on Palestine) which endorsed the idea of partition, giving the Jews 56% of the country. 262 The resolution (181) was passed in 1947 and the Palestinian leadership rejected it before the termination of the Mandate in May 15th, 1948, war erupted. Palestinian fighters as well as 6,000 to 7,000 volunteers from the Arab countries were defending Palestine against the Zionists. 263 The Jews had more troops than all Arab armies combined. By

²⁵⁹Noam Chomsky, The Fateful Triangle, cit., p. 61

²⁶⁰Amos Elon, The Israelis Founders and Sons, p. 174

²⁶¹Mark Tessler, A History of the Israeli-Palestinian Conflict, pp. 256-257

²⁶²Arthur Goldscmidt Jr., A Concise History of the Middle East, p. 262

²⁶³Mark Tessler, p. A History of the Israeli-Palestinian Conflict, p. 263

October 1949, Zionists had some 100,000 men and women fighting.²⁶⁴ Zionist propaganda denied its plan of transfer and claimed that it asked the Arabs to stay and live as citizens of the Jewish state but they chose to leave, forfeiting rights to their land. The Zionists also claimed that Arab leaders stimulated the Arab departure with frightening radio broadcasts intended to arouse a holy war against In 1961, an Irish journalist, Erskine Childers, could not find evidence the Jews. There was no order by any Arab leader that called for evacuation; on the of this. contrary, Childers found repeated monitored record of Arab appeals to civilians to stay in their villages. It was found that in fact the Zionist radio station urged Arabs to leave their homes. The Arab Higher Committee did not issue orders calling Palestinians to leave in order to make room for the military. In fact, a letter dated March 8th, 1948 asked Arab governments to prevent Palestinians from leaving Palestine. The expulsion of Palestinians was the result of "a deliberate master plan" called Plan Dalet which aimed to clear Arab population from Jewish areas allotted under partition. Other plans to do the same had been created as early as 1942 and the objective behind such plans was converting Palestine to a Jewish Plan Dalet targeted the existing Palestinian population, "villages that State. 265 resisted should be destroyed ... and their inhabitants expelled beyond the borders According to Benny Morris, the Yishuv military of the Jewish state."266 leadership formulated and implemented Plan Dalet to cope with anticipated Arab offensives. It constituted a "strategic -ideological anchor and basis for expulsions

²⁶⁴ Arthur Goldschmidt Jr., A Concise History of the Middle East, p. 266

²⁶⁵Clifford Wright, Facts and Fables The Arab Israeli Conflict, pp. 13-16

²⁶⁶Ibid., cit., p. 16

by front, district, brigade and battalion commanders ... and gave commanders, post facto, a formal, persuasive covering note to explain their actions." This plan formulated an expulsion policy. The majority of the Haganah commanders understood that "militarily, in the struggle to survive, the less Arabs remaining behind and along the front lines, the better and, politically, the less Arabs remaining in the Jewish State, the better." Thus those officers understood what was needed was expulsion. On September 26th, 1948, Ben Gurion assured his cabinet that with the next attack in Galilee, it would be "clean" and "empty" of Arabs. 271

The IDF report dated 30 June 1948 states three reasons for Palestinian exodus:

- "1- Direct, hostile Jewish operations against Arab settlements.
- 2- The effects of hostile operations on nearby Arab settlements.
- 3- Operations of Zionist terrorist groups, such as Menachem Begin's Irgun."²⁷²

The report continues saying, "without doubt, hostile (Haganah) operations were the main cause of the movement of population." ²⁷³ The report also contradicted Zionist propaganda by revealing that Arab institutions were against evacuation. ²⁷⁴ Zionists produced frightening radio broadcasts that called for moving including,

Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, cit., p. 63

²⁶⁸ Ibid.

²⁶⁹Ibid., cit., p. 64

²⁷⁰ Ibid.

²⁷¹Ibid.,

²⁷²Clifford Wright, Facts and Fables The Arab Israeli Conflict, cit., p. 17

²⁷³Ibid.

²⁷⁴Ibid., p. 18

"Take pity on your wives and children get out of this bloodbath" There are many examples that point to the Israelis as those who are responsible for the expulsion. Using loudspeakers, they spread terror through messages that caused panic. Yigal Allon, responsible for the admission of Plan Dalet, wrote about the tactics used to expel Palestinians,

"... looked for means ... to cause the tens of thousands of sulky Arabs who remained in the Galilee to flee... I gathered all of the Jewish mukhtars, who have contact with Arabs in different villages and asked them to whisper in the ears of some Arabs that a great Jewish reinforcement has arrived in Galilee and that it is going to burn all of the villages of the Huleh. They should suggest to these Arabs, as their friends, to escape while there is still time... The tactic reached its goal... wide areas were cleaned." 276

In Yizhak Rabin's account of the conquest of Lydda, he revealed Ben Gurion's opinion for when asked what to do with the Arab population, he told Rabin and other Jewish officers "Drive them out." 277

Several massacres were committed by Zionists to force people to flee. To spread greater fear, Irgun and Stern terrorists massacred some 250 Palestinians, half of whom were children and women. Some observers suggested that the Deir Yassin massacre was the primary cause for Palestinian exodus. Whether this is true or not, Deir Yassin and other massacres committed against the Palestinian people led

²⁷⁷Ibid., p. 20

²⁷⁵Ibid., p. 19

²⁷⁶Ibid.

to panic that caused people to flee. ²⁷⁸ Among the other massacres committed by Zionists were, Ein az-Zaitun where 70 Palestinians were killed, Lydda massacres where between 250-400 Palestinians were killed, Eilabun massacre when 82 people were killed, among them 12 children and women who were raped, and the ad-Dawayma massacre where between 80 and 100 people were killed. ²⁷⁹ I would like to cite the affidavit of a soldier eyewitness to Ad-Dawayima,

"One commander ordered a sapper to put two old women in a certain house... and to blow up the house with them. The sapper refused ... The commander then ordered his men to put in the old women and the evil deed was done. One soldier boasted that he had raped a woman and then shot her. One woman, with a newborn baby in her arms, was employed to clear the courtyard where the soldiers ate. She worked a day or two. In the end they shot her and her baby."²⁸⁰

In addition to massacres, Zionists looted and destroyed villages such as Eilabun in which they desecrated numerous sacred icons and confiscated furniture, livestock and other movable property. The Israeli Defense Force launched additional assaults after they had already won the war in order to claim more territory. In July 1948, when it was clear that the Palestinians were defeated, "Israeli forces began to concentrate the frightened and confused Palestinian population into concentration camps for eventual transfer or removal out of the country." By

²⁷⁸Michael Palumbo, The Palestinian Catastrophe The 1948 Expulsion of A People from their

Homeland, p. 57
²⁷⁹Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 20

Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, cit., p. 76

²⁸¹Michael Palumbo, The Palestinian Catastrophe 1948 Expulsion of A People from their

Homeland, p. 164

282
Norman Finkelstein, Image and Reality of the Israel-Palestine Conflict, p. 81

²⁸³Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 21

15 May 1948, Zionists had expelled 400,000 Palestinians. Zionists tactics, after May 15, "became even more ruthless and explicit." The British military historian Edgar o'Ballance wrote,

"No longer was there any "reasonable persecution." Bluntly the Arab inhabitants were ejected and forced to flee into Arab territory, as at Ramleh, Lydda and other Wherever the Israeli troops advanced into Arab country, the Arab places. population was bulldozed out in front of them."285 By December 1948, another 400,000 Palestinians were expelled. 286 After they were expelled, Ben Gurion, the first Israeli Prime Minister wrote, "We must do everything to ensure they {the Palestinian refugees} never do return."287 Through the Abandoned Areas Ordinance all land and buildings belonging to the refugees were taken by the Jewish State. 288

Still, after the expulsion of the majority of the Palestinian people from the land that was occupied in 1948 and following the Israeli occupation of the West Bank and Gaza Strip in 1967, the Israeli right-wing continues to believe that Palestinians remaining in these areas are strangers who must either accept the Jewishness of the state or leave. These ideas were exposed in the discourse of Rabbi Meir Kahana, the late leader of Israel's small right wing party, Kach. 289 He has nothing to hide when he says, "I want to make life hard for them {the

²⁸⁴Ibid., p. 22

²⁸⁵ibid., cit.

²⁸⁶Ibid.

²⁸⁷Ibid.

²⁸⁸Ibid., p. 81

²⁸⁹David McDowall, Palestine and Israel The Uprising and Beyond, I.B Tauris & Co. Ltd.,

London, 1989, p. 257

Palestinians). I want them to think: "It makes no sense to go on living here; let's take our compensation payment and leave. ... I would only use force on those who don't want to leave.... I'd go all the way and they know that."290 This party was dismissed as a group of lunatics and in 1988 elections it was banned. David McDwall believes that the party was outlawed because it was not a mere fringe group but that its ideas were held by many. A poll among Jewish youth revealed this idea for 57% of the participants said that the Palestinians in the territories who refused Israeli citizenship must be expelled. In 1987, Rehavem Ze'evi, a Knesset member established the Movement for the Transfer of Palestinians. His party "Moledet" calls publicly for the removal of Palestinians. 291

Legal Controls over the Natives:

In 1947, David Ben Gurion said, "When we say Jewish State we mean Jewish country, Jewish soil, we mean Jewish labor, we mean Jewish economy, Jewish agriculture, Jewish industry, Jewish sea."292

Another pillar of the Jewish State inherent since its inception is that of This was clear in the Hebrew labor mentioned discrimination and seclusion. earlier, but the concept took new manifestations to ensure that the expulsion was permanent and to guarantee continued acquisition of land. Among the policies that the Jewish State adopted were:

1- The Declaration of the Establishment of the State of Israel stating that Israel will be open for Jewish immigration.

²⁹⁰Ibid.

²⁹¹Ibid., pp. 257-258

²⁹²Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 60

- 2- The Emergency Land Requisition (Regulation) Law of 1949 giving the government the right to requisite land if necessary for the purposes of defense or to maintain essential public services or absorb new immigrants.
- 3- The Law of Return of 1950 and the Nationality Law of 1952 that grant any Jew the right to come to Israel and to become an Israeli national.²⁹³
- 4- WZO/JF Law of 1952: The World Zionist Organization, the Jewish National Fund and the Jewish Agency (JA) were the principal quasi-governmental organizations that functioned as a state within a state during the mandate. Article 3 of the constitution of the JA stated, "Land is to be acquired as Jewish property in name of Jewish National Fund, ... shall be held as the inalienable property of Jewish people." The Jewish National Fund is precluded from selling or leasing any part of this land to Arabs or even allowing Arabs to work on it." The Jewish Agency, World Zionist Organization and the Jewish National Fund are considered national institutions not governmental ones and as a result when they openly discriminate against Arabs (by refusing to sell or lease land to Arabs) they do so claiming they are a philanthropic Jewish organization not a democratic governmental institution. The JA and the JFN control 92% of the land in Israel, most of which was expropriated from Arabs. The government of Israel transfers

²⁹³George Jabbour, Settler Colonialism in Southern Africa and the Middle East, pp. 63-64

²⁹⁴Clifford Wright, Facts and Fables The Arab Israeli Conflict, p. 65

²⁹⁵Ibid.

²⁹⁶Ibid.

the acquired land to the Jewish Agency in a process referred to as "redeeming the land". The redeemed land can be used only by the Jewish people. 297

- 5- The Law of Closed Areas of 1949 enabling occupiers to close off any area of land for military maneuvers for undefined periods of time. ²⁹⁸
- 6- The Law of Security Areas: allowing the confiscation of land for security reasons, by imposing on the residents to leave the land. 299
- 7- Law of Taking Action (1953) which says that if lands are not used for agricultural purposes or by their owners, the government has the right to possess it and to use it for defense or settlement needs.³⁰⁰

Following 1967, more military orders were passed in order to facilitate the acquisition of land by amending laws legislated before 1967. Such orders enabled the government to:

"(1) administer all lands registered as state lands; (2) seize privately owned lands for military purposes; (3) close areas for training purposes; (4) repossess land belonging to Jews before 1948; (5) expropriate land for public purposes; and (6) seize land by declaiming it state land." 301

²⁹⁷Ibid., p. 66

²⁹⁸Sara Roy, The Gaza Strip The Political Economy of De-development, p 175

²⁹⁹Ibid.

³⁰⁰ Ibid.

³⁰¹ Ibid., pp. 175-176

Consolidation of Settlement:

Israel's intention was to take over the land of Palestine and settle it with Jews. After the war of 1967, Israel continued its expansion plans, taking Palestinian land and building settlements on it. The following short presentation will reveal Zionist rhetoric and the plans that contributed to the expansion of settlements in the West Bank and Gaza Strip. It is not the scope of this paper, however, to trace settlement activities between 1967 and 1993 when the Oslo Accords were signed. In Palestine occupied in 1948 and immediately after the armistice agreement of 1949, Israel started to encroach into demilitarized areas using military attacks that caused civilian casualties and that expelled thousands of peoples. 302 manifested by the laws adopted and mentioned above, Israel's intention was to continue its settlement enterprise and in 1967, Zionist colonization was radicalized. Following the war of 1967, the Israeli government abolished the de facto partition border created in 1948. Even before the war ended, the Knesset passed a law allowing the annexation of East Jerusalem. The military occupation of the West Bank and the Gaza Strip revived the dream of "Greater Israel". The annexation of Jerusalem refuted the Israeli claim that the aim of the occupying the West Bank and Gaza Strip was for security reasons. Further more, the following settlement activities reveal the true intentions of Israel. In the ten years following 1967, ideological arguments replaced that of security in justifying occupation and

³⁰² Noam Chomsky, The Fateful Triangle, p. 101

settlement activities.³⁰³ The Alon Plan was the guide for settlement policies until 1977 ³⁰⁴ and

"called for Israel's annexation of about one-third of the West Bank, including a 12 mile wide security belt along the Jordan River and the Dead Sea; and area north of the Jericho- Jerusalem road, including Latrun salient; much of "Greater Jerusalem" and the Judean desert; and Gaza Strip. The Strip's sizable refugee population will be relocated, possibly in the West Bank, or in el-Arish, along the Sinai peninsula's Mediterranean Coast. The densely populated areas of the Occupied Territories would form a demilitarized area in a Jordanian - Palestinian entity." 305

The Labor Party, the party in authority then, agreed to include un-authorized settlements in Gush Etzion and Hebron into its settlement map. From here the government started with a "salami policy" of territorial expansion. The Alon Plan was extended with the Galili Plan by which the government moved its interest of "military frontier" to a new settlement policy based on messianic and suburban frontiers. Thus after 1967, purchase of land was replaced by two other means: the conquest of war and subsequent land confiscation. Settlement in pre-1948 and from 1967 to 1977 (during Labor's reign) aimed to create a compact pattern to guarantee protection and excluding Palestinians from the intended Jewish area. Dayan's advocacy of "fact creation" granted all Israelis "an opportunity to

³⁰³ Nicholas Guyatt, The Absence of Peace Understanding the Israeli-Palestinian Conflict, pp. 7-9

³⁰⁴Gershon Shafir, "Zionism and Colonialism A Comparative Approach," in Ilan Pappe (ed.), *The Israel/Palestine Question Rewriting Histories*, p. 92

³⁰⁵Palestinian Center for Human Rights, A Comprehensive Survey of Israeli Settlements in the

Gaza Strip, Series Study 10, Gaza Strip, January 1996, p. 8

³⁰⁶ Gershon Shafir, "Zionism and Colonialism A Comparative Approach," in Ilan Pappe(ed.), p.

reconcile the annexation of the occupied territories with their own beliefs. Whether one believed in a biblical idea of Greater Israel, or a nationalist conception of more living space for Israelis, or the view that Israeli society could only survive with the land and water resources of the West bank, Dayan's policy of creeping annexation offered the means by which one could effect these ends." Moshe Dayan in 1968 spoke of settlement and expansion,

"During the last 100 years our people have been in process of ... expansion, getting additional Jews and additional settlements in order to expand borders here. Let no Jew say that we are near the end of the road." 308

Arab towns and villages to break the unity of any future Palestinian state. With the conquest of 1967, new religious groups like *Gush Emunim* appeared who were interested in colonial frontier and considered the West Bank and Gaza Strip an integral part of Israel. They were also supported by non-religious groups. The West Bank was not annexed by Likud because they preferred controlling it through colonization. With the rise of the Likud and the National Religious Party the religious motives were given more impetus. Thus, occupying those lands was redemption for them, not colonizing. The settler movement was regarded as a fringe group of religious extremists that did not represent the Israeli public

Nicholas Guyatt, The Absence of Peace Understanding th Israeli-Palestinian Conflict, p. 13

³⁰⁸Clifford A. Wright, Facts and Fables The Arab Israeli Conflict, p. 108

Gershom Shafir, "Zionism and Colonialism A Comparative Approach," in Ilan Pappe (ed.) The

Israel/Palestine Question Rewriting Histories, pp. 93-94

Nicholas Guyatt, The Absence of Peace Understanding the Israeli-Palestinian Conflict, p. 10

opinion, but the Likud Party that came to authority in 1977 maintained the same platform.311

Since its occupation, Israel has attempted to Judaize the West Bank and Gaza Strip. This was clear in World Zionist Organization's objective

"to disperse maximally large Jewish populations in areas of high settlement priority, using small national inputs and in a relatively short period by using the settlement potential of the West Bank and to achieve the incorporation {of the West Bank } into the {Israeli} national system."312

After 1977, the State's policy of settlement was simple. It included,

"large areas of Palestinian land would be targeted by surveyors or prospectors for settlement. Next, the land would be formally claimed by the state of Israel via many dubious or openly fallacious legal fiats. Finally, the government would massively subsidize the cost of living in the settlement, reducing either the price of building plot or the rent on a ready-built apartment, and ensuring that the tax status of the area was suitably low."313

The financial incentives encouraged thousands of Israeli Jews to move to the Settlements expanded and the number of settlers tripled between settlements. The issue of settlement created major debates in the Israeli 1982 and 1985. society among those who supported and those who opposed it. Dayan's concept of creeping settlement offered the Israelis the chance to reconcile the process and new facts on the ground hardened the process of opposition. 314 Israel absorbed

³¹²Clifford A. Wright, Facts and Fables The Arab Israeli Conflict, p. 91

³¹¹ Ibid.

³¹³ Nicholas Guyatt, The Absence of Peace Understanding teh Israeli-Paelstinian Conflict, pp. 10-

³¹⁴Ibid., p. 13

West Bank infrastructure in the early 1980s to benefit Israel and connected the settlements with Israel through networks of roads providing them with services that prevailed in Israel. This settlement process led to eviction of more Palestinians. With the Intifada of 1987, the Palestinians opposed the process of settlements as settlers were taking good agricultural land and the best water supplies. It is worth mentioning that in addition to resisting the settlement activities, Palestinians whose lands were confiscated went to the Israeli Supreme Court but their petitions were dismissed. The Court accepted the Israeli governments' argument that "the function of civilian settlements was essentially military."

Conclusion:

The aim of the above presentation is to show two settler colonization processes that are separated from each other by a 200-year gap and yet hold so many aspects in common. The similarities between the two cases can be divided into two main categories. The first category is the structural outline of the process and the second, the content of it. The structural similarities appear in the linear comparisons of the two processes manifested in the outlining form of the colonizing processes, their tactics, policies and deployment of violence while the thematic has more to do with motives, rhetoric, and legal justification employed. The components of the two dimensions will be dealt with here. In the two cases, the early attempts to colonize failed and without support from the patronizing

³¹⁵Nicholas Guyatt, *The Absence of Peace Understanding the Israeli-Palestinian Conflict*, p. 25

³¹⁶Ibid., p. 15

³¹⁷Palestinian Center for Human Rights, A Comparative Survey of Israeli Settlements in the Gaza Strip, pp. 26-28

imperial power, i.e. Great Britain and outside philanthropic support, the two Great Britain was the paternal power that enterprises would have failed. facilitated, intentionally or unintentionally, the emerging of the two conquering powers and in the two processes, the US and Israel ended up fighting it, declaring their independence from it and driving it out of the land. Britain served as a broker at the beginning to calm the Natives in the US and in Palestine by adopting rules that limited the encroachment of the settlers. For example, it passed the British Proclamation of 1673 whereby settlers were not allowed to exceed a certain border to settle and in Palestine, it adopted the Transfer Land Ordinance of 1920 that required government approval for all sales of land. Britain tried to court the Cherokees to encourage them to fight on its side in the war of 1715 at the expense of the colonists and in Palestine, it limited Zionist immigration and land purchase to pacify the Arabs during World War II. Seeing the continuous oppressive policies practiced by the colonies, the Cherokees sought the help and the support of the French while in Palestine, observing the support of the British for the Zionists forced Haj Amin to seek the help of the Germans. Seeking help in both cases, did not spring from the support of the Natives to the other power's policies, but only to try to limit the oppression practiced against them. The Cherokees and the Palestinians tried to stop settler activities by exerting pressure on Great Britain, but this did not serve them. The two colonization processes were carried out through two mechanisms, i.e. settlement by force and purchase. The two colonizing powers depended on agriculture as the means to take over and settle the land and the conquerors came in the form of families to live and to create communities. The settlement process impacted the two Native peoples negatively for it made the Cherokee people dependent on settler commodities and

left many of them unemployed after taking their hunting grounds. In Palestine, it left many Palestinian farmers unemployed after taking their agricultural land. In the two cases, the Natives were not consulted when their future was at stake and they had no say in determining what would happen with them. In the Peace of Paris, granting the thirteen colonies their independence from England and the new emerging nation hegemony over the territories and peoples that the imperial power had controlled, the Cherokees were not present and were not consulted. The same happened to the Palestinians, following World War I and the Peace Conference in Paris; they were not represented in that conference and were not consulted when the Mandate system was created to assume control over their country nor were they consulted when Lord Balfour granted the Jews the right to build a national home in Palestine. Thus the Cherokee and the Palestinian peoples were treated as less than human with no right to self-determination. The two indigenous peoples were subject to massacres and ill-treatment by settlers because they opposed encroachment. Their villages were burnt and destroyed. resistance of the Cherokee Nation were called "Indian atrocities" and "savage actions" while Palestinian resistance is called terrorism. The two Independence wars were wars of conquest whereby the indigenous peoples were transferred into occupied or dispersed from their home countries. In the wake of the two wars, the US and Israel were able to take over land and Natives properties. The policies of the two conquering regimes were based on segregation; thus the settler and the Native societies were separated socially, economically and politically from each other. George Washington envisaged a "Chinese Wall" separating the two societies and the Jews by insisting on Hebrew Labor excluded Palestinians and enforced a policy of separate development. This segregation policy led to or was

the result of removal and evacuation policy that the two conqueror regimes advocated and implemented when the two Native peoples refused to sell another extra inch of their lands. In Palestine, a Fatwa was issued to prohibit selling land to the Zionists and the Cherokee National Council imposed the death penalty on those who sold their lands. The two conquering systems used force to expel the Natives from their homeland. According to Theodore Roosevelt, it was only possible to conquer land with force or fear of force; words that resemble those of Ben Gurion, Herzl and other Zionist leaders covered in this chapter. Cherokees and Palestinians resisted removal and expulsion by both legal measures and by The Cherokee took Georgia to the Supreme Court and won their case, fighting. the judge admitting their sovereignty. But Jackson refused to implement the ruling. Palestinians went to the Israeli Supreme Court questioning Israel's land expropriation, but their case was dismissed. In the Israeli case when the ruling was in their favor, the government did not abide by the ruling and created new However, "setting fire under their feet" to quote Jackson justifications. conquering powers used massacres, rape, persecution and discriminatory policies, forcing the Cherokees and the Palestinians to leave. In both cases, the US government and Israel claimed that they were helpless to stop the continued encroachments of the settlers. Georgian settlers would move into Cherokee land taking it over, and Zionist settlers move into the West Bank and Gaza Strip, plant caravans and Palestinian land. The two conquering nations used the mechanism of creating facts on the ground through Knox's "expansion with honor" and Dayan's "creeping expansion". Declaring uncultivated or unregistered land to be state land and sending surveyors to allocate it and then distribute it to settlers is common in both cases. This is what Georgia did in the Cherokee land and what

Israel continued to do in the West Bank. Under the second category, the motives for settlement were enveloped in religions. For the white settlers, with the mission of civilizing the Heathens, they saw themselves as Hebrew prophets fighting the Cannanites. The Zionists on the other hand believed that their covenant with God was being fulfilled. The ideological motives were discussed thoroughly in chapter one. The two conquering peoples saw the indigenous peoples as a lesser race and thus their expulsion and even extermination was justified. The rhetoric that is used to describe the two indigenous peoples is the This chapter and chapter one are full of examples of settler attitudes same. towards the Natives. The two conquering regimes as seen in this chapter employed laws in order to facilitate and justify their taking over the land. They used agriculture to be consistent with their claims that labor guaranteed the right to land and in the two cases the agricultural activities of both the Cherokees and the Palestinians was overlooked and even denied. Land was considered vacant or virgin as Cherokees did not depend on agriculture for their livelihood, although this is untrue, for the Cherokees made actual and constant use of the land (see chapter II). Israelis considered the land vacant because there was a political void in it despite Ottoman-rule until the Mandate system was created apparently to help indigenous people develop and eventually rule themselves, and in spite of the fact of the emergence of many political parties and immense political activity during Still Cherokees were removed from their land even after they had the Mandate. made so much progress their country mirroring that of America.

My intention by comparing the two processes is not to equate them or to equate the horrors that accompanied them, but I want to acknowledge there were differences, too. The processes of conquering the Cherokee and Palestinian

Nations, however, share so much in common that the differences fade between the similarities. My hope is that this chapter succeeded in revealing those similarities.

Chapter IV:

Peace Treaties Another Stage of Conquest

"I admit that there are good white men, but they bear no proportion to the bad; the bad must be the strongest, for they rule. They do what they please. They enslave those who are not of their color, although created by the same Great Spirit who created us. They would make slaves of us if they could, but as they cannot do it, they kill us! There is no faith to be placed in their words. They are not like the Indians who are only enemies while at war and are friends in peace. They will say to an Indian, "My friend! My brother!" They will take him by the hand, and at the same moment destroy him... Remember! That this day I have warned you to beware of such friends as these. I know the long knives; they are not to be trusted."

Pochgants' oration (Delware), 17881

Treaties are a gesture made by parties involved when they desire a new era based on peace, halted aggression and normal relations between adversaries. This is, at least, the general impression that the ordinary person assumes is the case. For the Cherokee Nation and the Palestinians, however, the case was quite the opposite since the peace treaties that were signed marked a continuation of colonization policies already underway. The peace treaties of the Cherokee Nation and the Palestinians were used in consolidating the colonizers' conquest and as a further step in the process of colonization itself. Thus the treaties of peace lacked the very core justification for their existence and instead became obstacles to peace and conciliation. The scope of this chapter will not include the applicability of international law to these agreements, but rather it will shed light on the deployment of this mechanism, i.e. the treaties function to expand and consolidate land acquisition. It will be difficult to compare

Arrell M. Gibson, The American Indian Prehistory to the Present, p. 250

the treaties made with the Cherokees to those of the Palestinians from the point of view of the international law since the former belonged to an era when international law was different than that of today. However, the comparison remains valid when we consider the deployment of such treaties, the rationale behind them for both the United States and Israel, their implementation (or the case may be their nonimplementation), and their patterns of use.

Treaties in Light of International Law

Treaties are a means to an end that states use to ensure their interests. Treaties are, by and large, "governed by the same rules, and character." Treaties as well as unilateral promises make a state legally bound. The Vienna Convention on the Law of Treaties of 1969 represents the starting point for the study of modern international treaties; the articles of the convention and the commentary on them "reflect pre-existing customary law and the agreed views of the states."3

The Vienna Convention in Article 2 (1) (a) defines a treaty as "an international agreement concluded between states in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments, and whatever its particular designation."4 The definition thus does not include the agreements that are governed by municipal law that states make and agreements that are not meant to create legal relations at all.5

The treaties are basically agreements between persons on the international scene, but are "in essence concerned with relations between states." Treaties are known by different names such as conventions, international agreements, pacts, general acts,

Ibid., cit., p. 130

²Peter Malancuzuk, Akehurst's Modern Introduction to International Law, 7th ed., Routledge, London and New York, 1997, p. 130

Ibid.,p. 130

⁶M. N. Shaw, *International Law*, 3rd ed., Grotius Publications Limited, Cambridge, 1991, p. 560

charters, statutes, declarations and covenants.⁷ Treaty, however, is the more common term used in the international agreement context.8 Treaties are considered the main source of international law for they are the "more direct and formal method of international law creation."9

The aims of the treaties are to establish cooperation between states; to systemize relations; and to coordinate the activities of states. 10

Parties to treaties are obliged to carry out their obligations, but states are not to abide "to treaties that are imposed by force and which are unequal in character, because these contradict international law."11

The Cherokee Nation:

Before dealing with the treaties that the United States concluded with the Native Nations, we must trace the roots of treaty policy found in the British colonial heritage in North America since the United States inherited many of its Native American policies from the British. Treaties appeared as a method to deal with the Natives early in the seventeenth century. It was a policy used by the English in dealing with Nations that were usually stronger than they were. 12 The first treaty signed between the Cherokees and the English was in 1684. 13 One year before the American Revolution, Cherokee chiefs were forced to sign the "Henderson Purchase" where they ceded much of present day Kentucky and Tennessee for 10,000 bound sterling

⁷Ibid., p. 78

⁸Ibid., p. 561

⁹Shaw, p. 560

¹⁰Seif Ahmad El-Wady Romahi, Studies in International Law and Diplomatic Practice, Dante Labo Inc., Tokyo, 1980, p. 204

¹¹Ibid., p. 205

¹²Bruce G. Trigger and Wilcomb E. Washburn (ed.), The Cambridge History of the Native Peoples of the Americas, p. 485

¹³King, p. x

worth of trade goods. The younger warriors objected, among them the son of the chief himself, who declared,

"Where are now our grandfathers, the Delawares? We had hoped that the white men would not be willing to travel beyond the mountains. Now that They have passed the mountains, and have settled upon hope is gone. They wish to have that usurpation sanctioned by treaty. Cherokee land. When that is gained, the same encroaching spirit will lead them upon other land of the Cherokees. New cessions will be asked. Finally the whole country, which the Cherokees and their fathers have so long occupied, will be demanded, and the remnant Ani-Yunwiya," "The Real People", once so great and formidable, will be compelled to seek refuge in some distant wilderness. There they will be permitted to stay only a short while, until they again behold the advancing banners of the same greedy host. Not being able to point out any further retreat for the miserable Cherokees, the extinction of the whole race will be proclaimed. Should we not therefore run all risks, and incur all consequences, rather than submit to further laceration of our country? Such treaties may be all right for men who are too old to hunt or fight. As for me, I have my young warriors about me. We will have our lands."14

The Chiefs thought that fighting settlers was unrealistic and thus signed the agreement. 15

"By the time of the Revolution, treaties were so firmly embedded in the pattern of relations between American colonies and Native Nations that Congress and the states automatically continued the practice."

The Federal government faced the problem of having title to only a small portion of the national territory west of the Appalachians although it was the sovereign of that territory in accordance with the Treaty of Paris. States claimed title to parts of that

^{*} The Cherokee word for the name of the Nation and it means the "Principal or Original People".

¹⁴James Wilson, *The Earth Shall Weep*, p. 148

¹⁵ Ibid.

¹⁶The Cambridge History of the Native Peoples of the Americas, p. 485

land. The federal government and the states acknowledged the Native Nations had the right of being transitory tenants of the land and such right could be bought by token payment. In 1781, the states gave up their claimed rights in the western land to the federal government, but with conditions. Some states kept large tracts of land for compensating troops and to cover war expenses. Other states failed to keep their promises to the federal government and distributed the lands to settlers and speculation companies leaving only a small portion of land to the central government. During the war, Virginia, North Carolina, South Carolina and Georgia appropriated Cherokee and Creek land as a punishment to these nations for siding with the British in the war. "After the war North Carolina and Georgia continued to nibble the surviving Indian lands appropriating vast tracts and assigning them to land speculation companies for distribution to settlers." "18

Suffering from poverty, the federal government decided to sell portions of the western land to settlers and speculation companies to cover its debts. Since Natives occupied the lands that were ceded by the states to the federal government, their title had to be bought. But the government did not have enough money to pay the Natives, and thus used the argument of the right of conquest. They thought that they should use the sentiment that Natives lost their land in war since they sided with the British. General Philip Schuyler, was aware that their young nation could not accommodate a new war waged by the Natives; therefore, he urged negotiations to draw new borders that would give the settlers the lands they needed and hoped that in time the Natives would move west as their hunting game was depleted due to the nearby settlers nearby. Their lands would be taken. President Washington and Secretary of War

¹⁷Arrell M. Gibson, The American Indian Prehistory to the Present, p. 260

¹⁸Ibid., p. 260-261

¹⁹Ibid., p. 261

Henry Knox adopted the ideas of Schuyler to accomplish their expansion gradually. Washington recommended "an orderly expansion which would compel the Indians to As a result the President and Knox, the Secretary of War institutionalized this system for various reasons, because of the precedent, in order to resolve the problem that might generate from the states dealings with the Natives, to gain their loyalty and to make them cede land to the Federal government. Thus, the Constitution gave Congress alone the right to organize commerce with the Natives and the further authority sprang from Article I, Section 10 of the Constitution that declared, "No state shall enter into any Treaty ...". Upon the recommendation of the President, the Senate adopted negotiating treaties, as the accepted way to deal with the natives and that such treaties would be submitted to the Senate for its consent. As a result, the federal government became responsible for handling treaties with the Natives just as it handled treaties with foreign countries. There are several implications that are connected with the treaty system. First of all, negotiating treaties between parties implied that both parties were sovereign. Washington and Knox assumed the Natives sovereignty because it suited them at that point in order to elevate the Native Nations in a higher position than that of the states so as to prevent the states from dealing with Native affairs. Thus, the American Nation was dealing with the different Native American Nations on one-to-one relations.²² The treaty system continued until 1871 and about 666 treaties were concluded between the United States government and the different Native Nations. 23

²⁰Ibid., p. 162

²¹The Cambridge History of the Native Peoples of the Americas, p. 486

²²Ibid.

²³Francis D. Wormuth and Edwin B. Firmage, *To Chain the Dog of War The War Power of Congress in History and Law*, Southern Methodist University Press, Dallas, 1986, p. 123

The first treaty drawn between the United States and the Cherokees was the Hopewell Treaty in 1785. In this treaty, the Cherokees made peace with the United States, accepted US dominion, permitted the federal government to manage tribal affairs and defined boundaries. Hopewell and the other treaties that were held with other Nations in this period were called the "organic treaties". ²⁴

In spite of the United States policies that restricted dealing with the Natives to the Federal government through the use of treaty system, settlers continued encroaching upon the boundary lines. Knox's treaty system was maneuvered by the states who encouraged their citizens to cross the borders and then asked for protection which led to buying the land they had occupied. Settlers from North Carolina violated the 1785 Hopewell Treaty and entered the Cherokee land; their calls for protection led to the Treaty of Holston in 1791 which guaranteed the absorption of the land that the settlers occupied and suggested the civilization program. Henry Knox, the Secretary of War, commented on the violations of the Hopewell Treaty,

"The disgraceful violation of the treaty of Hopewell with the Cherokees requires the serious consideration of Congress. If so direct and manifest contempt of the authority of the United States be suffered with impunity, it will be in vain to attempt to extend the arm of the Government to the frontiers. The Indian tribes can have no faith in such imbecile promises, and the lawless whites will ridicule a government which shall on paper only make Indian treaties and regulate Indian boundaries." 26

It is important to show that the United States government tried to show the treaties as ones between equals and its commissioners, in fact it stressed that at the Hopewell council,

²⁴ Arrell M. Gibson, *The American Indian Prehistory to the Present*, p. 261

²⁵The Cambridge History of the Native Peoples of the America, p. 490

²⁶Helen Hunt Jackson, A Century of Dishonor, p. 266

"Congress is now the sovereign of all our country which we now point out to you on the map. They want none of your lands, nor anything else which belongs to you; and as an earnest of their regard for you, we propose to enter into articles of a treaty perfectly equal and conformable to what we now tell you. This humane and generous act of the United States will no doubt be received by you with gladness, and held in grateful remembrance; and the more so, as many of your young men, and the greater number of your warriors, during the late war, were our enemies, and assisted the King of Great Britain in his endeavors to conquer out country."27

When the chiefs complained at the council about the encroaching settlers who were violating the Cherokee land as defined by earlier treaties and called for their removal, the commissioners said that the settlers were numerous and that the government could not remove them. One of the chiefs wondered ironically, "Are Congress, who conquered the King of Great Britain, unable to remove those people?"28

The violations of the Hopewell Treaty are described by General Henry Knox when he said that the treaty was not respected by the settlers of "the State of Franklin". The Natives retaliated in accordance with Article V of the treaty that entailed,

"If any citizen of the United States or other person, not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundaries which are hereby allotted to the Indians for their huntinggrounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please."29

As mentioned earlier, in July 1791, the treaty of Holston was signed in order to keep 500 hundred families who violated Hopewell and settled in the Cherokee land. The

²⁷Ibid., p. 263

²⁸Ibid., p. 263 ²⁹http://www.yale.edu/lawweb/avalon/ntreaty/chr1785.htm, The Avalon Project at the Yale Law School, Treaty with the Cherokees 1785, p. 2.

government promised the Cherokees \$ 1000 a year for the relinquished lands. 30 The treaty once again promised that the United States, "solemnly guarantee to the Cherokee Nation all their lands not hereby ceded". Article VIII of the treaty reaffirmed that if any white citizen violated the borders, the Cherokees might punish him. Article IX stressed that white citizens were neither allowed to hunt on Cherokee land nor to enter it unless they got the governor's permit.31

In 1794, a new treaty had to be made since white people were acting as if the treaty did not exist and settling wherever they pleased. When Cherokees punished the encroachers, the whites retaliated and then the Cherokees hit again. The Cherokees asked for protection. The treaty of Philadelphia was made where more land was ceded.32

Encouraged by the reward they gained, the North Carolinians crossed the borders again and thus a new treaty called the Treaty of Tellico was signed in 1798 by which settlers were awarded more land. 33 In 1816, the Cherokees gave up all their lands in South Carolina in exchange that South Carolina paid them \$ 5000.34

The state of Tennessee used the same mechanism and between 1797 and 1806, it signed four treaties, each of which gave a large tract of land to settlers. Bribery was frequently used by the commissioners to make these land purchases. 35

On July 8, 1817, the Cherokees concluded an important treaty with the United States where they made more cessions of land. The eighth article of this agreement

³⁰Helen Hunt Jackson, A Century of Dishonor, p. 267

³¹ Ibid.

³²Ibid., p. 268

³³The Cambridge History of the Native Peoples of the Americas, p. 490

³⁴Helen Hunt Jackson, A Century of Dishonor, p. 270

³⁵The Cambridge History of the Native Peoples of the Americas, p. 490

promised "a reservation of six hundred and forty acres of land" to each head of a Native family who lived in the east and who wished to become a citizen.³⁶

The original Cherokee land was encompassing 124,000 square miles. Since 1721, they made voluntary cessions of land. The American Revolution forced many cessions and by the end of the revolution, Cherokees had lost 60% (70,000 square miles) of their land. Between 1783-1819, Cherokees lost 69% of their remaining land.³⁷ The first treaty that included articles on Cherokee removal was signed in 1817 whereby, the Cherokees exchanged Cherokee land in the Southeast for lands west of the Mississippi. 38 In 1819, the Cherokees had only 17,000 square miles of their land after ceding 4 million acres of their ancestral lands in the East in order to keep communal ownership of the rest of their land and to end any removal effort.³⁹ Thus, each treaty made with the Cherokees reduced their territories. As we have seen in the previous chapter, the United States was not interested in the Cherokees, but in their Treaty making was the means by which the policy of "expansion with honor" land. was carried out. 40 After the Cherokees imposed the death penalty on whoever sold any part of the Cherokee land in their Council in 182941, the idea that Native Americans could never be fully civilized, and the elimination of any threat posed by the Natives and their British allies after the War of 1812 when the Natives were defeated, lust for land became irresistible. With agricultural development and the need to get more land for cotton plantations, the transportation revolution and the

³⁶Helen Hunt Jackson, A Century of Dishonor, p. 270

³⁷William Anderson, Cherokee Removal Before and After, p. vii

³⁸ Ibid., p. ix

³⁹ Ibid., p. x

⁴⁰James Wilson, The Earth Shall Weep, p. 152

⁴¹Theda Perdue and Michael Green (ed.), The Cherokee Removal A Brief History with Documents, p.

increase in the number of settlers necessitated getting more land. New states were admitted to the Union and the population of Ohio, Tennessee and Georgia increased from 745,000 in 1810 to over two million in 1810. This explosion in population exerted intensive pressure on the Cherokees and the other Natives to sell more land. The arrogance and sense of superiority that the settlers had towards the Cherokees in addition to the lust for land made the situation extremely tense. 42 Such ideas gave rise to the adoption of policies by the State of Georgia whose objectives were to make life difficult for the Cherokees and to force them to leave since Cherokee Georgia covered more than 6,000 square miles.43 Georgia General Assembly declared that its sovereignty would expand over Cherokee land which entailed that the federal government only regulate trade with the Cherokees. The Georgian Assembly declared that the Cherokees were only tenants of the state and would leave at any time It did not want to use violence until all other means failed. In 1828, the state attached the Cherokee nation to its five counties and thus making the Cherokee It disallowed the Cherokee laws, prohibited the country subject to its jurisdiction. meetings and the actions of the Cherokee government. A special police was formed to force Georgia laws on the Cherokees.44 Another oppressive measure against the Cherokees was the survival of their lands allotting it by lottery to settlers while the Cherokees were still living there. 45 With the lottery, more and more white families were moving onto the Cherokee land. 46 Thus seven years of massive oppression and suffering passed on the Cherokee people who continued with tenacity on their land.

Cherokee Removal Before and After, p. 9

⁴²Ibid., p. 15 ⁴³Douglas C. Wilms, "Cherokee Land Use in Georgia Before Removal", in William Anderson,

Theda Perdue and Michael Green (eds.), The Cherokee Removal Before and After, pp. 61-62

Helen Hunt Jackson, A Century of Dishonor, p. 277 ⁴⁶Kenneth Penn Davis, "Chaos in the Indian Country: The Cherokee Nation 1825-35", in Duane King, The Cherokee Indian Nation, p. 140

As mentioned in chapter three the policies of Georgia were supported by President Jackson, a major advocate of removal.

Thus the solution was to expel the Cherokees, spare them suffering, and take their Since the Cherokees were the most civilized of all nations⁴⁷, they could not be In addition, in spite of the adoption of the Removal Act in 1830, authorizing Jackson to negotiate a removal treaty, and Georgia's tightening policies, 48 the Cherokees resorted to legal resistance to the removal and did not adopt armed struggle. Thus, came Jackson's policy of removal which aimed to evacuate the eastern nations "with wonderful ease, quietly, legally and philanthropically, without spilling blood and without violating a single one of the great principles of morality in the eyes of the world."49 That is the main reason why Jackson reverted to the legality of treaties. The benefits of removal according to Jackson and his crew were:

"(1) fixed and permanent boundaries outside the jurisdiction of American states and territories, (2) isolation from corrupt white elements, (3) tribal self-government unfettered by state or territorial laws, and (4) opportunities to acquire the essentials of civilized society."50

In spite of Jackson's philanthropic tone, his policies only reflected his hatred for the Cherokees and a sense of superiority and discrimination, ensuring the Cherokees were as far as they could be from white settlers. In his attempt to send the Natives west, he also reinforced the policy of segregation

⁴⁷William Anderson, Cherokee Removal Before and After, p. vii

⁴⁸Theda Perdue and Michael Green (eds.), *The Cherokee Removal Before and After*, pp. 17-18

⁴⁹Ronald N. Satz, "Rhetoric Versus the Indian Policy of Andrew Jackson", in William Anderson,

Cherokee Removal Before and After, p. 34

⁵⁰Ibid., p. 37

Cherokee Resistance:

The most important aspect of the Cherokees' resistance to the taking of their lands manifested in their dedication to a program of civilization. They became extensively involved in cultural accommodation by adopting a government, and a constitution. They created their own system of writing for their language, published a newspaper and opened schools and churches.⁵¹ Many appeals were sent to the President to protect them but they fell on deaf ears or on ears that enjoyed hearing what the Cherokees were going through. The replies to their suffering urged them to accept compensation for their lands and move west. 52 The Cherokees took their case to the Supreme Court which "dismissed the proceeding for want of jurisdiction on the ground that the Cherokee Nation was not a foreign state within the meaning of the Constitution and therefore could not bring a suit in the supreme court."53 In a case brought by one of the missionaries serving among the Cherokees, and who had been sentenced for four years imprisonment for not making the oath of allegiance to Georgia, however, the court's decision was in favor of the Cherokee nation. Chief Justice Marshall "held that the acts of the state were unconstitutional and violated the right of the petitioners and of the Cherokee Indians under the solemn treaty made with them by the United States; the conviction rendered in the State of Georgia was reversed and set aside and the missionaries were ordered to be released from imprisonment."54 The state refused to abide by the ruling and held the priests in jails for some months after the judgement.55

⁵¹James Wilson, The Earth Shall Weep, p. 158

⁵²Helen Hunt Jackson, A Century of Dishonor, p. 277

⁵³Grant Foreman, *Indian Removal*, p. 233

⁵⁴Ibid., p. 235

⁵⁵ Ibid.

The Treaty of New Echota:

Jackson, however, was more interested in his constituency than in the Cherokee Nation. Maintaining the Union was of greater importance to him than maintaining the government's promises to the Cherokees.⁵⁶

By 1833, a minority party (20 persons) developed within the Cherokee Nation and supported removal, feeling it was inevitable. The majority of the Cherokees, A petition by 15,000 Cherokees, opposing the treaty of however, opposed removal. 1835, was ignored by Congress who ratified the treaty in 1836. The government gave the Cherokees two years to move west and when only 2000 people acquiesced, it resorted to military force in carrying out the task. Thus 7,000 soldiers and militia men were sent to remove those remaining.⁵⁷

John Ross was the elected principal chief of the Nation. He was a national leader who The Cherokee community was divided into aristocrats and refused removal. commons, but they were both united against the US policies. The challenge came from the rising middle class who lacked either the financial base, political power or family connections to be part of the elite. From this group came the "treaty party", those who signed the New Echota Treaty on behalf of the nation although they were neither elected nor authorized to do so. They were motivated by their own interest. The Georgian governor offered protection for their properties. It was the inability of this class to achieve its political and economic goals, rather than their strong support for removal, that led them to negotiate and sign the treaty. 58

In New Echota, the Cherokees were promised land in the West for ever. They were promised seven million acres of land "guaranteed, and secured to be conveyed in

⁵⁶ William Anderson, Cherokee Removal Before and After, p.xi

⁵⁸ Theda Perdue, "The Conflict Within: Cherokees and Removal", in William Anderson, Cherokee Removal Before and After ,pp. 66-70

The treaty, however, did not give them fixed boundaries for their "new patent". 59 The treaty also provided them five million dollars in everlasting homeland". exchange for their land in the east. The United States in the fifth Article of the agreement made the pledge that the land granted to the Cherokees would not be included within the US territorial limits or any state unless the Cherokees approved. 60 The Sixth Article of the treaty guaranteed the agreement of the United States to protect the Cherokee Nation from "domestic strife and foreign enemies, and against intestine wars between the several tribes."61

A major result of removal was the factionalism and the division of the nation between those who supported the treaty and those who opposed it. 62 Factionalism threatened the very existence of the nation in the new land. Most of the pro-removal leaders who signed the Treaty of New Echota were killed. 63 A unity treaty was however reached in 1846 with the interference of representatives of the United States government.⁶⁴ Thus, the treaty concluded the Nation's factionalism. 65 Between the years 1849 and 1860, the Nation rebuilt itself in the West and witnessed a renaissance. In spite of the fact that the new Cherokee homeland was as one federal official said, "unfit for cultivation..., entirely worthless", the Cherokees were able to survive and prosper. The autonomy that the Nation was promised was confined in every field and the

⁵⁹Helen Hunt Jackson, A Century of Dishonor, p. 293

⁶⁰ Ibid., p. 280

⁶¹ Ibid.

⁶²John R. Swanton, The Indians of the Southeastern United States, p. 113

⁶³Norman Finkelstein, "Background of the Visits", *The Link*, Vol. 32, No. 5, Americans for Middle East Understanding, New York, 1999, p. 8

⁶⁴ http://members.aol.com/bbbenge/front.html., Cherokee Treaty Proclaimed August 17, 1864

⁶⁵Gerard Reed, "Postremoval Factionalism in the Cherokee Nation", in Duane King (ed.) The Cherokee Indian Nation, p. 159

United States government maintained control over security and economy. 66 Those years represented the "Golden Age of the Cherokees". Schools were built for the two sexes, agriculture prospered, the Cherokee newspaper was published again and Cherokees became skilled in different professions such as medicine and law. Thus in the West, the Cherokees built a nation described as "the Athens of the West." 67

The Civil War reflected itself on the Cherokee Nation, however, in 1861 and the old The Cherokee population was severely reduced by about factionalism was revived. 25%; the land was destroyed and the Nation's policy damaged. Ross' control over the Cherokee people was re-established with the victory of the North and by the end of the war many divisions were resolved. New leaders emerged, but animosity and hatred continued.68

Overlooking the loyalty of more than 2,200 Cherokees who fought for the Union, the United States used the participation of some Cherokees who fought alongside the rebels as a pretext to ruin the Cherokee country and to extract further tracts of Native land from. At Fort Smith a federal commissioner met with representatives of the Cherokee Nation where he deposed Chief Ross in order to shake the Nation's reliance on their leader and to facilitate greater cessions of land. During 1866, two Cherokee delegations were negotiating, one in Fort Smith and the other in Washington. They represented Union and Confederate; each competing for recognition of the government as sole representative of the Nation, and thus factionalism again weakened Cherokee positions, exacting a heavy price. A treaty was concluded with the Southern representatives at Fort Smith whereby the Cherokees were to cede land, open their country to railroads and embark on a process that would lead to their

Indian Nation, pp. 160-161

Norman Finkelstein, "Background of the Visits", *The Link*, p. 8

Rennard Strickland and William M. Strickland, "Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival", in William Anderson, *Cherokee Removal Before and After*, pp. 114-115

⁶⁸Gerard Reed, "Postremoval Factionalism in the Cherokee Nation", in Duane King, *The Cherokee*

statehood.⁶⁹ As a result of intimidation, the Cherokees agreed to sell a large piece of their land in Southeastern Kansas at a dollar an acre to speculators, who then sold it to a railway company. 70 So much Cherokee land was extinguished by railway companies that the phrase, "extinguishing Indian titles" became a technical term used in the field of transferring land. 71 After this treaty, no further treaties were negotiated with Cherokees with any other Nation, for in 1871 Congress ended the treaty era and transferred Indian affairs to House and Senate, both required for any Native legislation. 72 In 1862, a governmental report, made by one of the superintendents, alluded to the need for making treaties with the Cherokees and other Nations who moved west. The report said,

"While the rebelling of a large portion of most of these tribes abrogates treaty obligations, and laces them at our mercy, the very important fact should not be forgotten that the Government first wholly failed to keep its treaty stipulations with those people, and in protecting them, by withdrawing all the troops from the forts in Indian Territory, and leaving them at the mercy of the rebels. It is a well-known fact that selfpreservation in many instances compelled them to make the best terms they could with the rebels." 73

Once again the Cherokees were able to build their country and their national life, but their lives were insecure. In 1870, a Cherokee was asked why they did not re-build

⁷²Rennard Strickland and William M. Stricklad, "Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival", in William Anderson, Cherokee Removal Before and After, p.117

⁶⁹Rennard Strickland and William M. Strickland, "Beyond the Trail of Tears: One Hundred and Fifty Years of Cherokee Survival", in William Anderson, The Cherokee Removal Before and After, p. 116-

⁷⁰Helen Hunt Jackson, A Century of Dishonor, p.291

⁷³Helen Hunt Jackson, A Century of Dishonor, p. 290

their high schools. He answered, "We expect to have our lands taken away: what is the use of all that when our doom as a nation is sealed!"74

The holding of Cherokee lands was reduced from 19,500,000 acres in 1891 to 146,598 acres in 1971.75 The question that must be answered is how did this happen after the Cherokees were promised an eternal homeland in the West and one that would not be altered.

What happened was another broken promise. The New Echota Treaty gave the Cherokee a permanent home but it was broken with the Treaty of Fort Smith. In 1876, the Interior Department said,

"Affairs in the Indian Territory are "Complicated and embarrassing, and the question is directly raised whether an extensive section of country is to be allowed to remain for an indefinite period practically an uncultivated waste, or whether the Government shall determine to reduce the size of the reservation."⁷⁶

The phrasing was important because under such justification of cultivation, the government was able to steal land.

The railroads in 1872 entered the Cherokee land and brought with them many intruders who were lusting for more land. Thus, the new responsibility that fell on the shoulders of the Cherokee Nation was the defense of their lands against railway companies and new settlers. Many attempts were made to territorialize the Cherokees and, in the process of resistance and fighting, such attempts absorbed many Cherokee resources. Cherokees maintained a delegation to defend their rights in Washington by fighting bills that aimed to appropriate their land. At the same time, the Cherokees

⁷⁴ Ibid. ⁷⁵Albert L. Wahrhaftig and Jane Lukens-Wahrhaftig, "New Militants or Resurrected State? The Five County Northeastern Oklahoma Cherokee Organization", In Duane King, The Cherokee Indian Nation,

⁷⁶Helen Hunt Jackson, A Century of Dishonor, cit., p. 294

were building their nation again and prospering. However, the harassment by settlers continued. About 100,000 white men were living on Cherokee land and were not subject to tribal law; the federal army did nothing to remove them, as law actually required them to. The policy of expansion had grown more determined and organized, making it difficult for the Cherokees to fight back. The emerging spirit of the go-getter urged many new immigrants and poor settlers to demand more land. Cherokee land was still held communally. As many were now farmers, they cultivated part of the land; but the vast lands they held were uncultivated and considered surplus.⁷⁷

In 1889, a federal court for Indian Territory was established by Congress. At the same time, the unassigned lands in central Oklahoma were opened for white settlers. An act was also passed to acquire the Cherokee Outlet leased lands, saying that as long as lease money could cover their school operations, the Cherokees would not be forced to cede that land. In 1890, another act was passed that created the Oklahoma Territory on the western half of the old Native lands and established a territorial government for white settlers. In 1890 federal troops occupied the Cherokee Outlet land by force, confiscating it. The Cherokees were forced to cede the area as they were bankrupt, having lost the revenues of the lease. In 1898, Congress passed acts that allotted Cherokee lands to individuals and established new towns for white settlers on the Natives land. ⁷⁸ "After 1907, the Cherokees' land resources were gone, the treasury depleted, and the formal governmental structure apparently dismantled save for the periodic appointment of a principal chief."

⁷⁷Rennard Stricklamd and William M. Strickland, "Beyond the Trail of Tears: One Hundred Fifty Years of Cherokee Survival", in William Anderson, *Cherokee Removal Before and After*, pp. 118-121

⁷⁸Ibid., , pp. 121-122

⁷⁹Ibid., p. 127

In 1946, the Nation hired lawyers to re-create a structure capable of managing within the federal structure. It won many cases against the US government and the state of Oklahoma and received large amounts of compensation. Regaining their sovereignty in 1970, they elected a chief and in 1976 they adopted a new constitution. Thus today the Cherokee nation survives as "a sovereign governmental force" but on a very small portion of what they were promised, and with many economic, social and political problems to deal with.

⁸⁰Ibid., p.p. 128, 131

The Road to Oslo:

Historical Background:

In this part the intention is to show how the Palestinians, represented by their legitimate and sole leader, the Palestinian Liberation Organization, reverted to peace talks and negotiations to resolve the conflict.

Historians see that the 1948 war marked a new phase in the history of the Palestinian-Israeli conflict. The war that erupted after Israel declared its independence on May 14th, 1948, resulted in the defeat of the Arab armies and the expulsion of the Palestinian people from towns and villages. In the wake of the war, mandate Palestine was divided into three sectors: Israel seized the largest sector; the second fell under the authority of the Hashemite Kingdom of Jordan and the third under the control of Egypt. 81

The Arab defeat revived the Pan-Arabist current and gave it precedence over other political currents. Particularly with the rise of the Ba'th Socialist Party and Pan-Arabism movement that reinforced the national nature for the conflict with Zionism. The slogan "Arab unity as the way to liberate Palestine" was the most prominent among Arab nationalists. This national current refused what it called "half solutions to the conflict" that suggested compensating Palestinian refugees and it fought all projects that called for reconciling with Israel. 82

After 1948, Palestinian national activists deprived of their own political entity joined several pan-Arabist, social, Marxist, and Islamic movements that were active outside By the end of 1956, the idea of establishing a national Palestinian Palestine. organization crystallized reinforcing the Palestinian national dimension of the struggle Thus, the Palestinian National Liberation Movement (Fateh) was for Palestine.

⁸¹ إميل توما، جذور *القضية الفلسطينية*، دار الكاتب، رام الله، ص. 309 ⁸² ناجي علوش، *فكر حركة المقاومة الفلسطينية (1948–1977)*، ط1، لجنة تراث بيرزيت، 1993، ص 141

formed. Fatch became the first effective Palestinian national movement that emerged in the political arena and alluded to a Palestinian revolution committed to liberating Thus, Fateh raised the slogan of "Liberating Palestine is the way to Palestine. unity."83

The Israeli aggression of 1956 on Egypt and subsequent occupation of the Gaza Strip presented the Palestinian people with a new era marked by the necessity to depend on itself, to unite efforts, and lead an armed popular revolution in the effort to restore its The Palestinians were forced to adopt this option when Israel insisted on occupying Palestinian lands and refused Palestinian refugees the right to return to their homes and villages in spite of the UN General Assembly's resolution 194 that called for their immediate return.84

The Israeli denial of Palestinian rights reinforced the need to revive the Palestinian political entity, crystallized in the establishment of the Palestinian Liberation Organization in 1964, and was acknowledged by Arab countries, including Jordan, to be the sole legitimate representative of the Palestinian people. The PLO adopted a national charter that called for armed struggle as a means to liberate Palestine and the subsequent establishment of a Palestinian democratic state on the land of Palestine. 85 The Palestinian Liberation Organization contributed to building a Palestinian national identity and created the institutional frame that represented the material entity for such The PLO unified the Palestinian Diaspora within one political frame and identity.

⁸³ علي محافظة، الفكر السياسي في فلسطين، ط1، مركز الكتب الأردني، 1989ن ص 23.

⁸⁴ ماهر الشريف، *البحث عن كيان – دراسة في الفكر السياسي الفلسطيني 1908–1993، ط1، مركسز* الأبحساث والدراسسات

الاشتراكية في العالم العربي، 1995، ص ص 87-88.

⁸⁵ فيصل دراج، "في الهوية الثقافية الفلسطينية"، مجلة الكرمل، عدد 50، شتاء 1997ن ص 33.

became the address for the Palestinian struggle. This was not without a variety of control practiced by the different Arab countries on the Palestinians. 86

On June 5th, 1967, Israel, supported by the United States, waged a sudden war on Egypt, Syria and Jordan and, in six days, defeated the three armies, thus occupying Sinai, the Golan Heights, the West Bank and Gaza Strip.87

The defeat of 1967 created new facts on the ground; among which was an increase in Soviet-American competition in the Middle East. This led to a polarization in the two conflicts' parties stands. Arab leaders grew more and more convinced that it was impossible to destroy Israel and that they must acknowledge its existence in the Middle East, but only after it withdrew from the lands it occupied in 1967.88

To meet such changes in the Arab position, the United Nations Security Council adopted a resolution (242) in 1967 that called for a comprehensive and sustainable peace in the Middle East based on Israeli withdrawal from territories occupied in 1967.89

The defeat in 1967 had direct impact on the Palestinian front for Palestinians lost their confidence and dependency on the Arab armies to liberate their country. Palestinian armed action was liberated from formal Arab custody. As a result Palestinians began implementing subversive operations against Israel and many new Palestinian parties emerged. 90

⁸⁶ المصدر السابق، ص. 34

⁸⁷ فيصل حوراني، الفكر السياسي الفلسطيني 1914-1974 دراسة للمواثيق الرئيسية لمنظمة التحرير الفلسطينية، مركز الأبحاث، منظمة

التحرير الفلسطينية، بيروت، 1980، ص ص 30-31

⁸⁸ ماهر الشريف، البحث عن كيان، مصدر سابق، ص 144.

⁸⁹ إميل توما، حذور *القضية الفلسطينية...، مصدر سابق، ص* 331.

⁹⁰ صلاح خلف، *فلسطيني بلا هوية لقاءات مع الكاتب الفرنسي أريك رولو*، شركة كاظمة للطباعة والنشر والتوزيع، الكويت، (دون

تاريخ)، ص 229.

After the 1967 war, Israel carried out several actions against the PLO bases in Jordan but attempts to destroy it in the Occupied Territories failed. The Israeli actions against the PLO culminated in the invasion of Lebanon in 1982. The result was the PLO's exodus from Lebanon.⁹¹

Between the establishment of the PLO and the first Palestinian Intifada of 1987, many developments took place within Palestinian political ideology as a result of regional and international changes. Between 1964-1968, the PLO called for the total liberation of Palestine through armed struggle; between 1969-1974, it called for establishing a secular democratic state in Palestine; and between 1974-1988, the call was to create two states in Palestine.⁹²

The Palestinian popular uprising (Intifada) that erupted in 1987 put an end to the deadlock within society of finding a solution to the Palestinian question. The Intifada revived political attempts to find a solution to the question. As a result of international empathy with the Palestinian people, the American administration initiated a political formula to resolve the Palestinian problem, aiming to establish a comprehensive peace in the Middle East which would guarantee security for all involved parties. The American initiative of 1988 called for direct negotiations between Israel and separate Arab delegations representing countries that were in a state of war with Israel, including a Palestinian - Jordanian delegation. The negotiations were to be preceded by an international peace conference that involved representatives of all parties and representatives of the permanent members in the

⁹¹ مناويل حساسيان، "التغيير في الاتجاهات السياسية في الحركة الوطنية"، مجلة السياسة الفلسطينية، العددان السابع والشامن صيف

وخريف 1995، ص 68.

⁹² المصدر السابق

Security Council. The initiative required the acceptance of all parties of the UN Resolutions 242 and 338. 93

As a result, the Palestinian National Council declared the Independence of Palestine in 1988 that included, for the first time, the PLO's acceptance of the Partition Plan of 1947 in addition to the UN resolutions 242 and 338 as a basis for its participation in the international peace conference. This represented a drastic changed in the Palestinian position. 94

The second Gulf War of 1991 and the Iraqi invasion of Kuwait had a clear impact on the solution offered to resolve the Palestinian problem. For the after war, United States emerged after the war as the sole leader of the world, the breakup of the USSR and the changes in Eastern Europe. The division of the Arab world and its weakness during the war affected the Palestinian question and the nature of the proposed Such circumstances made the American initiative to convene the solutions. international peace conference in Madrid more appealing.95 The decisive factor that led the PLO to resort to negotiations and to sign the Oslo Agreements, even though they posed serious risks to the future of the Palestinian people, was of a socio-The decline of financial aid from the Gulf states to the PLO; the economic nature. shrinking job opportunities offered to Palestinians by the oil states and the decline in the PLO's attraction as the force that restrained the Palestinian people each contributed to this. They were the outcome of declining oil prices in the eighties and the position adopted by the PLO in the Second Gulf War. 96

^{10–7} ص ص 1991، ص ص 1991 ميل 1996. Martin Beck, "The PLO and the Peace Process in the Middle East, *Palestinian Journal for Historical Studies*, Vol. 1, No. 2, The Palestinian Society for Historical Studies, Ramallah, 2000, p. 216

The PLO expressed its acceptance to take part in the Madrid conference which Mahmoud Abbas, a senior PLO leader, describes as the most important event in the history of the conflict. Its importance sprang from the fact that for the first time the legal representatives of the Palestinian people were present at the table with the Israelis. 97

After the Madrid Conference, which was a ceremonial panel, bilateral meetings between Palestinians and Israelis continued and both secret and public negotiation rounds occurred in several places around the globe until the Declaration of Principles between the two parties was signed on September 13th, 1993.⁹⁸

Settling the West Bank and Gaza Strip:

As has been shown in chapter III, after the war of 1967 Israel embarked on settlement activities in the West Bank. The area of the Occupied Territories is 6209 square k.m The West Bank and Gaza Strip represent 20,3% of the total area of Mandate Palestine. The population of the West Bank and Gaza Strip is 2,811,878 distributed on tens of cities and hundreds of villages all over the two areas. The occupation of 1967 was essential for Israel's security, resource base and communications. Israel, and since the inception of its occupation, aimed at settling the two areas with Jewish settlers to achieve the dream of the fathers of Zionism establishing Greater Israel. As clarified in the previous chapter, by the end of the nineteenth century, the Zionist movement began its colonization process taking over the Palestinian lands and gathering Zionist settlers from all over the world into Palestine. Colonization settlements were the

⁹⁷ محمود عباس، طريق أوسلو، مصدر سابق، ص ص 133-140. محمود عباس، طريق أوسلو، مصدر سابق، ص ص 133-140. م 305 مدوح نوفل، قصة اتفاق أوسلو، ط1، الأهلية للنشر والتوزيع، عمان، 1995، ص 305 و أكرم أبو عمرو، "المستوطنات الإسرائيلية وعملية الفصل المقترحة"، مجلة رؤية، عدد 7، الهيئة العامة للاستعلامات، فلسطين،

Nils A. Butenschon, "The Oslo Agreemetn; From the White House to Jabal Abu Ghneim", in George Giacaman and Dag Jorund Lonning, (eds.), *After Oslo New Realities, Old Problems*, Pluto Press, London, 1998, p. 33

mechanism used by the Zionist movement to build its national home in Palestine. 101 The expansion through settlements that the Zionist movement accomplished between and 1947 was the basis upon which the Partition Plan of 1947 was designed and upon which the State of Israel was established on 70% of Mandate Palestine. 102 In spite of the different circumstances that prevailed after 1967, Israel reverted to the same mechanisms used in settling Palestine pre 1948. Through exploiting the weakness of the Arabs in Palestine and the surrounding Arab countries, and in support of Mandate Authority in Palestine and Great Britain, the Zionist movement managed to expand its settlements in Palestine by purchasing land. However, by the year 1948, they owned only 6,6% of the area of Palestine. 103 Settling the West Bank and Gaza Strip was rather carried out under the auspices of a strong occupying authority, Israel. Israel in the West Bank resorted to appropriating land by force. It masked intentions occupation with laws that covered the ugliness of its activities. It justified the occupation of the West Bank as important for strategic depth to ensure its security. After 1974, with the emergence of Gush Emunim Movement, it based its settling activities on the divine right that was given to the Jewish people by God. 104

Allon's Plan guided the Zionists activities in settling the West Bank and between 1967 and 1977 concentrated on what would become greater Jerusalem in addition to 40% of the Occupied Territories that Israel hoped to annex. When the Labor Party left office in 1977, there were some 100 settlements in the Occupied Territories with

¹⁰¹ جودت السويركي، "تطورات عمليات الاستيطان في الأراضي الفلسطينية المحتلة عام 1967"، *حريدة القسدس،* 14/6/000، ص .20

¹⁰² المصدر السابق

¹⁰³ جيفري أرونسون، مستقبل المستعمرات الإسرائيلية في الضفة الغربية والقطاع، مؤسسة الدراسات الفلسطينية، بيروت، 1997، ص

¹⁰⁴ عدنان السيد حسين، التوسع في الاستراتيجيا الإسرائيلية، دار النفائس للطباعة والنشر، بيروت، 1989، ص 32.

almost 60,000 Jews living in them. 105 After 1977, there was a shift in Israeli policy with the coming of the Likud to authority. The Likud believed in intensifying settlement throughout the West Bank and Gaza Strip but especially around Palestinian cities to prevent their growth and expansion. Early settlements depended on ideology and military force with soldiers guarding settlers. 106 The Likud aimed to achieve unity for the Jewish people on all the land of Israel and to break the unity between Palestinian towns and cities, converting them into small islands. 107 All Israeli governments adopted Dayan's ideology of "creeping expansion" and creating facts on the ground. 108 The two major Likud advocates of Israel's settlement program in the West Bank and Gaza Strip during the eighties were Prime Minister Begin and Minister of Defense Ariel Sharon who tried to increase the population of the settlements through financial incentives and subsidize prices. This led to a massive increase in the population of settlements. 109 As the settlement program advanced, the Israeli government confiscated more land and removed Palestinian inhabitants from around settlements to clear spaces for settlement expansion. The settlement infrastructure was separate from that of the Palestinians and was connected to Israel's. The process of annexation went smoothly. 110 A housing boom in the Occupied Territories was the result of the intensive Jewish immigration from the former -USSR republics following its collapse. This expansion, creating new facts on the ground, ironically occurred while President Bush and Secretary of State were pushing for a peaceful settlement to the Arab Israeli conflict. This latest settlement process started

¹⁰⁵Palestinian Center for Human Rights, A Comprehensive Survey of Israeli Settlements in the Gaza

Nicholas Guyatt, *The Absence of Peace*, p. 13
Palestinian Center for Human Rights, *A Comprehensive Survey of Israeli Settlements in the Gaza*

^{2011,} p.9 ع. أبو عرفة، الاستيطان التطبيق العملي للصهيونية، و كالة أبو عرفة، القدس، 1982، ص 1985. Palestinian Center for Human Rights, A Comprehensive Survey of Israeli Settlements in the Gaza

Nicholas Guyatt, The Absence of Peace, p. 14

in 1990 and continued until 1992 when Yitzhak Rabin was elected as Prime Minister. 111 Upon his election, Rabin declared to the world that he halted settlement plans in what he called a "settlement freeze". He however, excluded Jerusalem from the freeze, and implemented a policy where only new settlements were frozen while work in smaller settlements continued. His government also continued to expand already existing settlements and did not place any restrictions on land confiscation. 112 Rabin refused to dismantle any settlement and created over 10,000 new units in the Occupied Territories. 113 Peres, the peace dove, reiterated Rabin's position in his speech in the Knesset when he was asked whether "Oslo" would force settlers to leave their homes, he answered that,

"The explicit answer is that nobody has been asked to give up his home. Contrary to Camp David, we conducted negotiations that do not require the evacuation of even one settlement. The edifice we are building is based on a change in relations, not locations."114

It is worth mentioning that the large political parties in Israel were unified in their position that Israel "should not withdraw to the pre-war lines" and should not accept the creation of a state in the Occupied Territories. 115 Palestinians thus faced another systematic expulsion and eviction. The settlements in the Occupied Territories came to fulfill the Israeli scheme to colonize and not to occupy the West Bank and Gaza

warrity - Main Library

Palestinian Center for Human Rights, A Comprehensive Survey of Israeli Settlements in the Gaza

Nicholas Guyatt, The Absence of Peace, p. 31

¹¹³Ibid., p. 55

Nicholas Guyatt, The Absence of Peace, cit., p. 56

Nils A. Butenschon, "The Oslo Agreement: From The White House to Jabal Abu Ghneim", in George Giacaman and Dag Jorund Lonning (eds.), After Oslo New Realities Old Problems, p. 34

Strip. 116 Benvenisti, an Israeli expert on the occupied areas claimed that the Israeli annexation was inevitable and the process of colonization was irreversible. 117

Until 1987, Israeli governments dealt with the West Bank and Gaza Strip as de facto extensions of the State of Israel. Settlements avoided Palestinians cities and villages, but took the best agricultural lands with good water resources. As a result of being separate, settlements were well protected.

The Palestinian Intifada:

The Palestinians uprising (Intifada) came as response to the continued settlement activities. It caused injuries to occupation soldiers and gave Israel a bad reputation in the international community due to its brutality in dealing with children who were protesting by throwing stones. The Intifada created social, cultural, and educational institutions and exerted efforts to achieve economic independence from Israel. The attempts that were made to crush the Intifada by force failed. 118 Israel's resolution was to pull the Israeli army out from Palestinian cities, which represented only 3% of the West Bank, without compromising the expansion of the settlement program. The military redeployment would improve Israel's image, for the international community would say that Israel was no longer an occupation force. In spite of the challenge the Intifada posed to Israel, it, however, had made Israel focus more on the settlements and less in managing a population that it did not want it. 119

"The Intifada taught Israel's leaders that a degree of Palestinian self-rule in the cities might actually consolidate Israeli control over the land else where, forcing the Palestinians to police themselves and enabling the army to control the Palestinian population from a distance. In retrospect,

¹¹⁶ Nicholas Guyatt, The Absence of Peace, p. 14

¹¹⁷Nils A. Butenschon, "The Oslo Agreement: From the White House to Jabal Abu Ghneim", in George Giacaman and Dag Jorund Lonning (eds.), After Oslo New Realities Old Problems, , p. 37

¹¹⁸Ibid., p. 38

Nicholas Guyatt, The Absence of Peace, p. 16

the Intifada contained a terrible irony for Palestinians: it proved the compatibility of Palestine self-rule with the furthering of the Israeli settlements program. In many respects, this irony lies at the heart of the Oslo process and best explain its failure."120

The strong stand of the Palestinian negotiators in Madrid and Washington was manifested in their refusal to continue the peace process if such a process did not promise an immediate and substantive withdrawal of the Israeli army. This stand forced Israel to look for another partner. Arafat who was interested in coming back to Palestine but who was out of touch with new facts on the ground. 121

According to Azmi Bishara, the Intifada did not change the balance of power that prevailed between Palestinians and Israelis. What it did, however, was posing a problem in the face of Israel. Until the Intifada, Israel's position was no annexation and no withdrawal, and the new factor that the Intifada added was no status quo which contended Israel before. Thus, the Israeli move to deal with this problem was Oslo. Oslo,

"inaugurates a process which sustains Israel's historic position of no withdrawal and no annexation of the Occupied Territories, but addresses the problem of no status quo by bringing in the PLO to solve it on Israel's behalf."122

The Oslo Accords:

The Oslo process constituted three stages. The first aimed to set the framework of principles and strategies for resolving the conflict through negotiations and designed a timetable for implementing the agreement.

¹²⁰ Ibid.

¹²¹Ibid., p. 29 ¹²²Graham Usher, "Bantustanisation or Binationalism? An Interview with Azmi Bishara, in

Dispatches from Palestine, Pluto Press, London, 1999, p. 60

Declaration of Principles:

After secret negotiations conducted in Oslo, the PLO and Israel signed the Declaration of Principles on September 13, 1993 in Washington. The purpose of the agreement was expressed in the preamble which stated that the representatives of the parties came together,

"to put an end to decades of confrontation and conflict, recognize their mutual legitimate and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and historic reconciliation through the agreed political process." 123

Oslo was supposed to represent the beginning of a new era. But it did not determine the political nature or the territorial borders which the Palestinian State would encompass. The agreement had 242 and 338 as the source of its legitimacy. The declaration, however, did not replace the UN resolutions. A week after the signing the Declaration, Arafat called on the Palestinian people to end the Intifada and to create normal relations with the Israelis. Basing the agreements on the UN resolution 242 which was problematic itself was a strategic mistake. Resolution 242 and its interpretation stressed the importance of power in deciding the interoperation of such resolutions and agreements, and the Palestinians did not learn from that mistake but made it doublefold. Before the agreement, there was an exchange of letters between Arafat and Rabin in which Arafat recognized the existence of Israel and denounced terrorism in all its forms. Rabin recognized the Palestinian Liberation

Nils A. Butenschon, "The Oslo Agreement: From the White House to Jabal Abu Ghneim", in George Giacaman and Dag Jorund Lonning (eds.), After Oslo New Realities Old Problems, p. 19

Ibid. p. 22

Noam Chomsky, World Orders Old and New, Columbia University Press, New York, 1996, pp. 272,274

Institute for Palestine Studies, *The Palestinian Israeli Peace Agreements A Documentary Record*, 2nd ed., USA, 1994, p.117

Organization (PLO) as the sole representative of the Palestinian people without making any reference to the UN resolutions. The agreement was not between equals and thus Arafat's concessions were much bigger. The PLO renounced armed and popular struggle against occupation without a guarantee for statehood or national independence. Thus, the occupation in the West Bank and Gaza Strip became one with consent. The agreement, of course, reflected the balance of power between the two parties. 127

With the Oslo Agreement, Israel did not renounce its sovereignty over the Occupied Territories. It only wanted to stabilize its position and to legitimize its existence in the Middle East. By accepting Oslo, the PLO changed its liberation strategies from one of "all or nothing" to "almost nothing". 128

Arafat felt that time was not in his favor but in Israel's who wanted the annexation of the Occupied Territories. Through settlements and the integration of their infrastructure into that of Israel, the Palestinian areas were being gradually annexed to Israel. Arafat wanted to end the occupation that was taking what remained of Palestine. Fatah thought that Oslo was a step to limit Israeli expansion and Arafat's decision was compatible with the PLO position that acknowledged 242 and 338 in the decisions of the Palestinian National Council. 129

It was apparent that sovereignty and settlements were not to be under Palestinian authority. In addition, Jewish settlers in the West Bank and Gaza Strip were granted a

¹²⁷Nils A. Butenschon, "The Oslo Agreement: From the White House to Jabal Abu Ghneim", in George Giacaman and Dag Jorund Lonning, *After Oslo New Realities and Old Problems*, p. 22

¹²⁸Ibid., p.p. 23, 25

¹²⁹Ibid., pp. 31-33

special legal and administrative position that differed from that which Palestinians enjoyed¹³⁰.

In accordance with the Declaration of Principles, Palestinians acknowledged that Israeli settlements, by-pass roads, the borders that separate the Palestinian territories from Jordan and Egypt and Jewish settlers would not be subject to Palestinian jurisdiction, at least during the interim period, and that these issues would be postponed to the final status negotiations. 131

The proposed Palestinian Council was given no legislative authority in regard to the settlers or settlements. The military occupation was not annulled and neither were the military orders that constituted Israel's legal basis for controlling the lives of the Palestinians in the Occupied Territories. These orders represented the cover for land confiscation and building of settlements. Thus, these laws were not dissolved by the agreement. 132

In conclusion, the Declaration of Principles did not tackle the issue of settlers and settlement in the Fourth Article related to jurisdiction, 133 and this issue was deferred to the final status negotiations. The implications of such deferral are massive. Israeli settlements until the Oslo process were considered an integral part of the Occupied Territories of 1967. Those areas were never annexed to Israel, except for East Jerusalem; (This is rarely recognized as valid by foreign states). After the Declaration of Principles, however, these areas were placed under the jurisdiction of Israel which left the Palestinians in an even weaker position in the final-status negotiations. The

¹³⁰ مركز بيرزيت دراسات وتوثيق المجتمع الفلسطيني، إعلان المبادئ الفلسطيني الإسرائيلي آفاق الحاضر والمستقبل، وقسائع المؤتمس

الدراسي 1993، ص 79.

¹³¹ المصدر السابق

¹³² المصدر السابق، ص 80

¹³³Laura Zittrain Eisenberg and Neil Caplan, Negotiating Arab-Israeli Peace Patterns Problems and Possibilities, Indiana University Press, Bloomington and Indiana, 1998, p. 213.

agreement by the Palestinian side to delay the issue of settlements for the final status negotiations and their continued existence during the interim period was a clear violation of the UN resolutions that considered them illegal. Rabin, himself expressed that when he said that the Oslo Accords did not commit us to freeze settlement activities in the Territories. This opened the door for settlement expansion under the auspices of the peace process.

The Interim Agreement (Oslo II):

The second stage of the Oslo process presented an interim peace regime that included institutional and security arrangements aimed at creating a Palestinian infrastructure but confined by the agreement. It tackled issues related to settlements, settlers and the importance of guaranteeing their security. This was detailed in Oslo II, signed on September 28, 1995. According to this agreement the Israeli army was redeployed in the West Bank except for East Jerusalem. The West Bank was divided into three divisions, area "A" which included the populated cities and represented 2.8% of the total West Bank; area "B" included villages and less populated areas and represented 22.9% of the West Bank; and area "C" which included Palestinian agricultural lands and areas confiscated for roads and settlements and represented 74.3% of the West Bank. The agreement contained provisions to withdraw from areas A, B and C. In 1995 and 1996, Israel kept its promise and withdrew from area A, except Hebron, and gave some control to the Palestinian Authority over Palestinians living in area B. As for area C, the agreement included articles that said Israel would withdraw over time,

¹³⁴ راسم خمايسي، "استراتيحيا الاستيطان الإسرائيلي في الأراضي المحتلة وأثره في التخطيط القطري والتنمية في فلسطين"، مجلة الدراسات الفلسطينية، عدد 37، شتاء 1999، ص 53

Nils A. Butenschon, "The Oslo Agreement: From the White House to Jabal Abu Ghneim", in George Giacaman, and Dag Jorund Lonning (eds.), After Oslo New Realities, Old Problems, p. 17 ص مركز القدس للإعلام والاتصال، القدس، 1996، ص 1996، ص 1996، ص 37

but not from parts related to the issues to be dealt with during final status negotiations i.e. settlements. 137

Measures for guaranteeing the protection of settlements were expanded in this agreement. They included:

- 1) agreement that no settlement will be evacuated or dismantled during the interim period (5years);
- 2) excluding Israeli settlements, settlers and settlement infrastructure (roads, water pipes, water resources and electricity...) from Palestinian jurisdiction or any form of intervention;
- 3) formation of blocs of settlements so that continuity between settlements could be established;
- 4) continued Israeli supervision of registration and usage of land;
- 5) and the imposition of Israeli conditions on the usage of the Palestinian land that surrounded settlements. 138

Although the intention of Oslo was to return land occupied in 1967 in accordance with UN resolution 242, the agreements granted Israel the right to keep at least 75% of the West Bank and yet claim that it abided by the agreement. Oslo II implied a Palestinian recognition of Israeli rights in relation to what is called state and absentee lands under the Palestinian Council's jurisdiction. This reinforced the continued Israeli occupation in the areas of A and B.

The Israeli vision for the outcome of final status negotiations was reflected in the arrangements on the ground and included in the interim agreement. Accompanying

¹³⁷Nicholas Guyatt, The Absence of Peace, pp. 32-33

¹³⁸ راسم خمايسي، مصدر سابق، ص 56.

¹³⁹Nicholas Guyatt, The Absence of Peace, p. 33

¹⁴⁰ راسم خمايسي، مصدر سابق، ص

this was strategic policy of opening roads that avoided Palestinian cities and villages and took the best of their agricultural land.

After signing Oslo II, Uzi Dayan, the Israeli Major General, explained that the elements in the agreement relative to security were guided by three elements: the situation of the West Bank in comprehensive strategic security understanding, the security of the settlements, and the prevention of any Palestinian attacks on Jewish centers in the settlements. Thus, "the purpose of Palestinian self-rule from the Israeli point of view, will remain to unburden Israel of the role of direct occupation, it hopes to transfer the politically and economically expensive task of maintaining peace and order to a Palestinian leadership which is loyal to Israel." It can be argued that by self-rule Israel wanted to show the Palestinians how weak they were (since it can lock them up whenever it likes) and this may convince them of the vanity of further resistance and they will consequently accept the Israeli peace. 143

Oslo II did not end the Israeli occupation of the West Bank and Gaza Strip nor did it abolish the military hold of the land. The West Bank and Gaza Strip remain occupied territory under international law in spite of the elections of the Palestinian legislative council and the president in 1996.¹⁴⁴

While the Palestinian objective was to create a sovereign Palestinian State and to abolish the Israeli occupation, Oslo II led to the complete opposite end. For it adopted the Israeli map of its vision for the future of the occupied territories not just in the interim period but in the final stage, too.

¹⁴¹ مؤتمر الخبراء الفلسطيني لقضايا مفاوضات الوضع الدائم أوراق ومداولات، المبادرة الفلسطينية لتعميق الحوار العالمي والديمقراطيــــــة (مفتاح)، فلسطين، 1999، ص 144.

Nils A Buteschon, "The Oslo Agreement: From the White House to Jabal Abu Ghniem", in George Giacaman and Dag Jornd Lonning (eds.), After Oslo New Realities, Old Problems, p. 39

 ¹⁴³Ibid., p. 40
 ¹⁴⁴Palestinian Academic Society for the Study of International Affairs (PASSIA), *Passia Diary 2001*,
 Jerusalem, 277

Rabin saw in the Oslo process a great success since it ensured a continued Israeli role in controlling the Occupied Territories with the cooperation of the PLO. His goal behind signing the agreement was to save Israeli lives that might otherwise be extinguished in Palestinian cities and at the same time preserve every settlement, while consolidating Israel's hold on the land and water of the West Bank. 146

Through the Oslo process, Israel made settlements a reality imposed upon the negotiations. This was obvious in the negotiations that took place in Camp David between 11-25, July 2000 and aimed to conclude a final settlement to the Israeli-Palestinian conflict. Settlements emerged as a major obstacle for the establishment of a Palestinian state, barring the regional and geographic continuity needed for such a state. In that negotiations round, new attitudes emerged that called for acceptance of substantial blocs of settlements in the West Bank and Gaza Strip in exchange for other lands. Israel excluded the settlement blocs encircling Jerusalem and those in the Jordan Valley from any negotiations since they were considered indispensable for Israeli security. 148

Israeli analysts considered the continuation of settlement activities one of the main reasons for the failure of the Camp David negotiations and a reason behind the eruption of the current Al-Aqsa Intifada. As a result they have called this Intifada "the settlements' war". The illegal settlements have become more than a stumbling block on the road to just and real peace in the region. Mehachim Klein, the Israeli journalist said "it was wrong to think that occupation came to an end with the establishment of the Palestinian Authority and the withdrawal of the Israeli troops from areas A and B in the era that preceded Al-Aqsa Intifada. Settlers who are the

civil arm of the government came closer and closer to the heart of these territories." ¹⁵⁰

The report of the Mitchell Commission that investigated the reasons behind the eruption of the current Intifada touched upon this fact when it called clearly for a halt to settlement activities. ¹⁵¹

The Wye River Memorandum

On October 23, 1998, the Palestinians and the Israelis signed an agreement called (the Wye River Memorandum) in order to carry out the second stage of the Israeli troop redeployment in the West Bank. 152

Israel hindered the implementation of the Israeli army withdrawals from the Occupied Territories. It was agreed that withdrawals would be carried out gradually until the majority of the lands were transferred to the Palestinian Authority. East Jerusalem and the settlements were excluded from those withdrawals but would be dealt with in the final status negotiations. The Labor Party under Rabin created difficulties for completing the withdrawals and after the death of Rabin and the ascension of the Likud Party to authority, the withdrawals were halted completely.

Benjamin Netanyahu, the elected Prime Minister of Israel stressed in May 1996 that there were no holy treaties and agreements and thus entered new negotiations to discuss issues that had been agreed upon earlier. Netanyahu inherited from Rabin a policy of limited withdrawals and unlimited settlement expansion. As a result, the Hebron Protocol was signed in January 1997, redeploying troops from the city-but excluded 20% of Hebron, troops should have withdrawn from which remained occupied of Hebron in the wake of Oslo II. Instead this 20% of the city was to remain

المصدر السابق المصدر المصابق المصدر المصدر المصابق المصدر المصدر

¹⁵³Nicholas Guyatt, The Absence of Peace, p. 39

in the hands of some 400 fundamentalist Jewish settlers who lived among 120,000 Palestinian. 154

To this Protocol, an American note was attached to define the responsibilities of each party. It reaffirmed the Israeli commitment to three phases of redeployments. Israel however, carried out the withdrawal only in Hebron and delayed implementing the remaining two deployments. This delay led to a new round of negotiations between the two sides at Wye River which led to the signing of a memorandum that affirmed the Israeli commitment to transfer 13% of area C into areas A: 1% and B: 12% while the Palestinian side agreed to transfer 3% of the lands that Israeli will transfer to the Palestinian Authority into green reserves. Palestinians committed themselves not to change the status of the natural reserve. The redeployment involved transferring 14,2% of area B lands into area A. As for the third stage of the redeployment, a committee was to be formed to discuss its contents. 155

settlement activities. In March 1997, Israel launched a vicious campaign of settlement activities on Jabal Abu Ghneim (Har Homa) and in Ras el-Amud (an Arab suburb of Jerusalem). Jabal Abu Ghneim settlement was meant to complete the circle of settlements around Jerusalem effectively separating it from the West Bank. Ariel Sharon, then Foreign Minister, called on settlers to take over the lands that surrounded their settlements in order to ensure their expansion. At the same time Israel declared that it had appropriated 10% of the West Bank. Meanwhile, the

^{1991،} ص 19 "بروتوكول خاص بإعادة الانتشار في الخليل"، مركز القدس للأعلام والاتصال، القدس، كانون ثاني 1997، ص 19 مذكرة واي ريفر بشأن إعادة الانتشار الثانية للقوات الإسرائيلية في الضفة الغربية، واشــنطن 1998/10/23، بحلــة الدراســـات

الفلسطينية، عدد 37، بيروت، شتاء 1999، ص 170.

¹⁵⁶ Nicholas Guyatt, The Absence of Peace, pp. 40-41

Israeli Ministry of Industry and Trade approved a plan to develop the settlement community inside Hebron. 157

Sharm Esh-Sheikh Agreement (The Implementation Agreement of the Wye River Memorandum):

The Palestinians and the Israelis once again signed a new agreement in Sharm Esh-Sheikh in 1999 to implement the articles that were agreed upon in the Wye River Memorandum and the previous agreements. The aims of this agreement were to set a timetable for the implementation of what was agreed upon previously and the resumption of final status negotiations. This agreement was called Wye II. The two parties agreed to reach a framework for a settlement to the conflict by February 2000 and to begin permanent status talks on September 13th, 2000. The Israeli side reaffirmed its commitment to withdrawal in three stages:

- 1. On September 5th, 1999, 7% of area C would be transferred to area B.
- 2. On November 15th 1999, 2% of area B will be transferred to area A and 3% of area C would be transferred to area B.
- 3. On January 2000, 1% of area C would be transferred to area A and 5,1% of area B would be transferred to area A. 158

However, Israel only implemented the first point of the three redeployments. It halted further transfers insisting that the Palestinian Authority first transfer 2.8% of the suggested area into a natural reserve, had the Palestinian Authority refused to sign the maps of redeployment as Israel created new conditions. Israel also insisted on determining the areas that would be transferred. 159

¹⁵⁷ محسن عوض، قراءة في مذكرة واي ريفر، مجلة المستقبل العربي، مركز دراسات الوحدة العربية، عدد 239، كانون الثـاني 1999، 79 مسل 79. مركز البحوث والدراسات الفلسطينية، نابلس، عــــدد 158 اتفاق تنفيذ مذكرة واي ريفر اتفاق شرم الشيخ، مجلة السياسة الفلسطينية، مركز البحوث والدراسات الفلسطينية، نابلس، عــــدد

^{24،} خريف 1999، ص ص 226–227 ¹⁵⁹ جري*دة القدس*، 1999/11/12، ص 1

Israel's refusal to freeze settlements also blocked the implementation of the agreement. Israel published tenders for building about 1000 settlement units. 160

Settlement Activities after Oslo:

The Oslo agreements did not prevent consecutive Israeli governments from pursuing activities of settlement building, land confiscation and the brining of immigrants into Israel and settling them in the Occupied Territories. The Economic and Social Committee for West Asia (ESCWA) published a report indicating that Israel established around 155 settlements in the West Bank with an estimated population of 170,000. This process would ensure Israel's domination of 72% of the West Bank and 40% of the Gaza Strip. According to the report, by 1999, 359,000 Jewish settlers were residing in the Occupied Territories and that 6000 new units were finished and to be settled. The report also pointed out that 130,000 dunams were recently confiscated. Meanwhile, other human rights organizations emphasized that Israel confiscated 170,000 dunams for settlement purposes and demolished 720 houses since signing the Oslo Agreement. 162

In a Palestinian report on Israeli violations of Palestinian human rights in the Occupied Territories in the wake of Oslo, it was stated that Occupation authorities continued settlement activities in violation of international law especially of Article 49 of the Fourth Geneva Convention which, "in its stipulation, the agreement, affirmed the fact that the occupier is not permitted to transfer and move its civilian population to the lands under its control and occupation." In spite of the peace treaties that were signed between the Palestinians and the Israelis, which clearly

^{.1} من 1999/11/17 من 1. 160 من 1999/11/17 ألف نسمة"، *جريدة الأيام، 1*999/17/17 من 3. 170 ألف نسمة"، *جريدة القدس، 1999/7/3 من 3.* 1799/1999، ص 3. 161 الف نسمة"، *جريدة القدس، 1999/7/3 من 102 بيتاً منذ التوقيع على اتفاق أوسلو"، صحيفة الأيسام، 162 على اتفاق أوسلو"، صحيفة الأيسام، 162 على 1999/5/6* من 4.

Nasser Al-Rayyes, *The Israeli Settlements from the Perspective of International Humanitarian Law*, Al-Haq, Ramallah, 2000, p. 72

Israel in the permanent status negotiations. 166 In general, the percentage of settler population increased 3.8% between 1996-1998.

The previous numbers show a continued increase and growth in settlements in the years that followed the Oslo Agreements. The purpose behind such increase was to harden the process of land separation and to prevent reaching an agreement whereby a Palestinian state could be established on the land that was occupied in 1967. Settlements spread all over the West Bank and Gaza Strip and concentrated near Palestinian centers with large populations so as to create a barrier that would prevent the geographic continuity between the Palestinian cities and villages and "cantonize" the Palestinian territories. Geographic separation between Palestinians and Israelis in the current situation is impossible since Palestinian cities and villages overlap with Israeli settlements.

The Position of Treaties in the Colonization Process:

Colonization and conquest were the means used by the European powers to achieve Israeli colonization followed the same mechanisms. The modalities of expansion. conquest were extermination, expulsion, encirclement and enslavement. The Zionists settlement process fell in the pattern of conquest. 167 Oslo and other consequent agreements and memorandums represent the culmination of the conquest process. Expulsion was the first stage of the Zionist conquest where a pure ethnic state was The Zionist movement resorted to force and terror in order to throw the established. peasants and workers out of their country. Extermination was no more allowed at the

Norman Finkelstein, Oslo: The Last Stage of Conquest, A Paper Presented at the Law Conference. June 1998, p. 1-2

beginning of the 20th century and thus expulsion was the option. The stage of expulsion was accomplished in 1948. 168

After 1967, the third modality was used. The Zionists wanted the land but not the people which was the same problem they faced pre 1948. Conquest was used to take the West Bank and Gaza Strip and Yigal Allon said that Israel's aim in the war of 1967 was "the territorial fulfillment of the Land of Israel". 169

Oslo marked the peak of Israel's encirclement strategy, earlier adopted by Allon in his policy of encircling Jerusalem and the Jordan Valley. Later policies of the different Israeli governments followed the same tactic. It is very well established that Israel never cedes land unless it is compelled to do so. Sternhell recalls that a core tenet of Zionism is "never giving up a position or a territory unless one is compelled by a superior force." This modality needed good cover since opposition from the Natives was growing; the cover was negotiations that Israel conducted with itself to give occupation a better image. Israel's purpose of a gradual or a transitional solution is not to build "trust" between the two parties but to gain more time to fulfill and to consolidate its grasp on land. The aim is to complete the encirclement process through the continued creation of facts on the ground.

In Oslo, what Israel was giving up were densely Arab- populated islands (Bantustans) while they maintained the enlarged Jerusalem and important water resources. If Israel grants those small islands independence, Palestinians will get what South Africans

¹⁶⁹Ibid., pp. 6-7

¹⁶⁸Ibid., p.6

¹⁷⁰Ibid., cit., p. 9

¹⁷¹Nicholas Guyatt, The Absence of Peace, p. 80

¹⁷²Norman Finkelstein, "Securing Occupation: The Real Meaning of Wye River Memorandum" www.normanfinkelstein.com/id66_m.htm, November 28, 1998, p. 4

got- "to police themselves and administer their own poverty." ¹⁷³ By signing the peace treaty with the Palestinians, Israel wiped out its history of occupation by creating an image of a peace-seeking country, and at the same time consolidated its colonization force. ¹⁷⁴

Thus the real purpose of the Oslo process was to implement Israel's encirclement strategy and to legalize their final stage of conquest. The cooperation of the Natives was needed. In spite of the national flag and the elections of 1996 that gave Palestinians a sense of state, land confiscation continued, depriving many Palestinians of their lands, and instead used them for building settlements and by-pass roads. Through Oslo, the Israelis defeated the Palestinian resistance embodied in the Intifada that was fighting the annexation of the Palestinian land. The Intifada created divisions on the Palestinian front as even with a peace treaty, people continued to see the annexation of their land. This affected the national unity of the people.

Palestinian & Cherokee Treaties

In the two cases the treaties and agreements represented a culmination in the continued processes of occupation. They reflected the balance of power that existed between the parties and favored the conquerors. As a result, the conquering regimes used power or the threat of it to placate the Natives and force them to make concessions. Because of the imparity in power, agreements were concluded to maintain a *status quo* that served the colonizing powers. The treaties aimed to encircle the Natives by forcing them to cede their land and by limiting them to only small portions of what had belonged to them. In the Cherokees' case, the Natives

¹⁷³Norman Finkelstein, Oslo: The Last Stage of Conquest, cit., p. 10

¹⁷⁴ Nicholas Guyatt, p. 66

¹⁷⁵Ibid., p. 36

¹⁷⁶Ibid., p. 67

were confined to reservations of a very limited size. As a result of the continued cessions imposed by treaties, and surrounded by settlers, the Cherokees were forced to leave their land. In Palestine, the encirclement resulted in the division of land into bantustans encircled by settlements and settler road networks that confined the Palestinians to small 'islands' and limited their movement. The Cherokees enjoyed autonomy, had their own laws, police and courts, but this did not stop the United States from appropriating their land. The Palestinians' reservations or bantustans are disconnected and do not represent a contiguous geographical unit. Thus, what national entity is granted the Palestinians, it will not enjoy full independence and will be governed by the Israeli occupation. In both cases the bantustanization that resulted from encirclement led to major economic and social difficulties in the Natives lives. Thus, treaties created facts on the ground that were irreversible.

Conclusion

A year ago, seven years after the signing of the Oslo agreement, I set out to write this thesis. What urged me to choose this topic was the questionable future of my people in the wake of the peace agreements and in light of the experience of the Cherokee Nation, with which I had previously become acquainted and with whom I had established some personal contacts. The prima face resemblance between the two cases, I found, called for a more thorough investigation of the experiences and a comparison of the historical and contemporary relations of the Palestinians and the Cherokees with their conquerors.

Of course, making such comparisons serves to cast light on the shared aspects between the two parties as well as their differences, thereby providing a better understanding of each case. Meanwhile, comparisons call attention to mistakes made by one party that the other may learn from, and hence not repeat or, more rarely, to courageous decisions or policies that need to be emulated. Such a study might thus serve as a warning to the peoples in question and to others who may be facing the same kind of challenges, as to the types of mistakes that need to be avoided. More generally, the present study should make it possible to identify the types of actions and practices that tend to repeat themselves in one form or another and regarding which contingency planning is called for. Nonetheless, this is not intended to be a policy study but an exercise in comparative history, which sets forth facts and analyzes them. Any useful, practical or operational conclusions one may wish to draw from this thesis are coincidental.

Events on the ground have accelerated in the last nine months, with the eruption of the current uprising (Intifada), which is, as some analysts have called it, a "war of the settlements". The Intifada came as a surprise to those who assumed that Palestinians and Israelis had entered a new era of reconciliation. The Oslo process had given the international community a false impression of peace, thus achieving one of Israel's goals in signing it -- the perception that the two peoples had ended their century-long conflict and were living together as neighbors. The reality on the ground was quite the opposite. The period inaugurated by the Oslo accords was characterized by the encirclement of Palestinian cities, confiscation of land, closures and tightened limitations on the movement of people and economic enterprises, non-respect of signed agreements on the part of the occupier, the continued imprisonment and killings of Palestinians. It is for these reasons that a people who had held the branches of olives and offered them to Israeli soldiers in 1993 were again pushed to revolt in the year 2000. Witnessing their continued oppression, people living in the West Bank and Gaza Strip anticipated the explosion as they were pushed further and further back, and encircled by encroaching settlers who continued to build their colonies upon confiscated Palestinian agricultural land. Thus came the revolt whose inevitable outbreak I was going to predict in the conclusion of my thesis even as I planned it, before the events. This is a study that was written under siege and shelling by Israeli helicopters, tanks and machine guns in order to silence Palestinian resistance, rendered inevitable by the actions of the occupying forces and their settler population. Written in such circumstances, the thesis attempted to draw the

connections between two suffering peoples, the Palestinians and the Cherokees, and by extension, between indigenous peoples everywhere who have been subjected to the violations, encroachments and injustices of settler-occupiers. By tracing the connection, I was also trying to join in the chorus of warnings to the Palestinians regarding what could one day be their fate if they collapsed and conceded their rights.

The hypothesis of this thesis, that the two cases are comparable and there is deep parallelism between the two experiences, is born out. Both the Cherokee and Palestinian cases fall in the framework of settler colonization and conquest and its modalities. The processes of conquest themselves, their shared rhetoric, their mechanisms manifested in socio-economic policies, massacres, land appropriation, creation of reservations (known in the South African case as bantustans) and the expulsion of indigenous peoples represent some of their shared characteristics. As illustrated here, there was much shared between the two experiences and this, although they pertain to two different eras in time. The two peoples' existence on their lands from time immemorial did not stop conquerors from taking the land.

The deployment of political treaties in the two cases served as a mask to conceal the real face of occupation. These agreements served as stages in the continued quest for the land belonging to the indigenous.

The comparison also revealed the differences between the two cases. The time span separating the two processes makes political survival more likely in the Palestinian case. The progressive elaboration of the tenets of international law, the

development of international organizations somewhat restrict the conqueror of today from implementing its policies in their crudest version. They did not, of course, prevent Israel in 1948 from expelling 800,000 Palestinians from their lands, carrying out massacres, and after 1967 from building settlements in violation of international law. Still, they have played a significant inhibiting role in this dimension of the conflict, whose equivalent was absent in the Cherokee case. Although the implementation of international laws and resolutions did not occur, their very existence is significant, even important. The positions of the Arab states, although not unanimous or always supportive of the Palestinians, enhanced the Palestinian position at the international level, mainly in organizations like the United Nations. These states supported the Palestinian struggle and resistance, financially and morally. And such positions deterred Israel from executing a total removal of the Palestinians as the United States had done to the Cherokee Nation. Radical ethnocide was thus prevented. Palestine belongs to an extensive and formerly unified, powerful and expanding Arab-Islamic world. Its creed, culture and society call for resisting invaders and fighting for one's country (umma), and in fact make it an indispensable part of a person's faith. This has played yet another important role in enhancing Palestinian Cherokees, and Native Americans in general, belonged to a culture resistance. that valued sharing. This was manifested in the welcoming attitudes that prevailed in the first encounters. Continued settler atrocities forced Cherokees to act in revenge and to save their homeland as this, too, was an aspect of their culture. But Cherokees belonged to a community of tribes that had a history of long feuds

among them and this reflected badly on the struggle of each tribe or "nation" against settlers. In fact, it accelerated process of marginalizing the Cherokees. It must be said, however, that no degree of unity would have saved the Cherokees in the face of superior technological means available to the settlers, particularly in the military field. Palestinians, for their part, were, despite divisions within their society and at the broader Arab level, were able to limit the effects of the policies intended by the occupiers to divide, subdivide and marginalize them. Israel's strategy during the peace process mirrored a similar approach (divide and conquer), whereby, backed by the United States, it was able to reach agreements with each Arab party to the conflict separately and not as one entity. In this was, it tried to remove Palestine from its Arab context. Through the establishment of the Palestinian Authority, Israel aimed to create a regime that would limit the activities of the Islamic movements in Palestine and establish a dependent entity with interests at variance with those of other key Arab actors. The Palestinian Authority was granted the mission of guaranteeing Israeli security by using a heavy fist against those calling for continued resistance against the occupation and colonization. This worked for a short time and the PA played its role faithfully. The current Intifada broke the cycle that Israel had imposed upon the Palestinians. Something can still be done on the Palestinian front. Palestinians can emerge as a country if they learn from other peoples' experiences in dealing with colonization and if they learn from their own mistakes of the past. The Cherokees were absorbed into the American society and they cannot go back in history to change Palestinians, on the contrary, may still build a secular, what happened.

democratic society. They must insist on maintaining the rights granted them under international law. They must resist settlement activities and the colonizing process. Palestinians must refuse any attempt by Israel to maintain settlements on Palestinian lands if they want to ensure their own continued presence on these It is a lesson they must learn from the dramatic fate of the Cherokees. The lands. sole objective of Israel's encirclement policy is the acquisition of land without its The future of a democratic and advanced Palestinian society depends not people. on the Israelis but on the Palestinians themselves and what they want for their country. Palestinians are so consumed with the glorious past of the Arabs that they tend to forget to look at the future. Our experience has taught us that the future belongs to those who believe strongly in a vision and who develop the mechanisms and strategies that will make the vision a reality, and to those who pay great attention to details because details are everything. Thus, if the Palestinian vision is an independent, democratic and liberal state, established on all of the lands occupied in 1967, no compromises must be made to infringe this vision, to distort or to maim it. When Palestinians have the will, they will find their way.

Bibliography

1- Primary Sources:

- الاتفاقية الإسر انيلية الفلسطينية المرحلية حول الضفة الغربية وقطاع غزة، مركز القدس للإعلام والاتصال، القدس، ١٩٩٦.
 - بروتوكول خاص بإعادة الانتشار في الخليل"، مركز القدس للأعلام والاتصال، القدس، كانون ثاني ١٩٩٧.
- An Act Providing for Holding a Treaty or Treaties to Establish Peace with Certain Indian Tribes, www.yale.edu/lawweb/avalon/statutes/na023.htm
- An Act Providing for the Expenses which May Attend Negotiations or Treaties with the Indian Tribes and the Appointment of Commissioners for Managing the Same, www.yale.edu/lawweb/avalon/statutes/anative/na022.htm
- An Act to Regulate Trade and Intercourse with the Indian Tribes, www.yale.edu/lawweb/avalon/statutes/native/na024.htm
- Balfour Declaration 1917, www.yale.edu/lawweb/avalon/balfour.htm.
- British White Paper of 1939, www.yale.edu/lawweb/avalon/brwh1939.htm 7.
- Cherokee Treaty Proclaimed August 17, 1864, www.yale.edu/lawweb/ntreaty/chr1864
- Declaration of Principles on Interim Self-Government Arrangements, Washington D.C., 13 September 1993.
- The Wye River Memorandum, October 23, 1998, www.yale.edu/lawweb/avalon/mideast/wyeriv/htm
- Treaty of New Echota 1835, in Theda Perdue and Michael D. Green, The Cherokee Removal A Brief History with Documents, Bedford Books of St. Matin's Press, Boston, 1995.
- Treaty with the Cherokees 1785, www.yale.edu/lawweb/avalon/ntreaty/chr1785.htm
- Treaty with the Cherokees 1791, www.yale.edu/lawweb/avalon/ntreaty/chr1791
- Treaty with the Cherokees 1794, www.yale.edu/lawweb/avalon/ntreaty/chr1794
- Treaty with the Cherokees 1816, www.tngenweb.org/cessions/1816322.html
- United States Security Council Resolution 242, www.yale.edu/lawweb/avalon/un/un242.htm.

2-Secondary Sources:

a. Books:

- أبو عرفة، عدنان، الاستيطان التطبيق العملي للصعبونية، وكالة أبو عرفة، القدس، ١٩٨٢. 1.
- إعلان الاستقلال، مشروع السلام الفلسطيني، شركة الفجر للطباعة، القاهرة، ١ كانون الثاني ١٩٨٩. 2.
- أورنسون، جيفري، مستقبل المستعمرات الإسرائيلية في الضفة الغربية والقطاع، مؤسسة الدراسات 3. الفلسطينية، بيروت، ١٩٩٧.
- أوستر هامل، يورغن، الاستعمار: مراجعة نظرية عامة، ترجمة أبو بكر أحمد باقادر، مؤسسة اليمامة 4. الصحفية، الرياض،١٩٩٩.
- بدون مؤلف، القضية الفلسطينية والخطر الصهيوني، ط١، مؤسسة الدراسات الفلسطينية وقيادة الجيش اللبناني الأركان العامة، بيروت، ١٩٧٣.
- توما، إميل، جذور القضية الفلسطينية، دار الكاتب، رام الله، بدون تاريخ. حور اني، فيصل، الفكر السياسي الفلسطيني ١٩٢٤-١٩٧٤ دراسة للمواثيق الرئيسية لمنظمة التحرير 6.
- 7. الفلسطينية، مركز الأبحاث، منظمة التحرير الفلسطينية، بيروت،١٩٨٠.

- خلف، صلاح، فلسطيني بلا هوية لقاءات مع الكاتب الفرنسي أريك رولو، شركة كاظمة للطباعة والنشر . 8 والتوزيع، الكويت، (دون تاريخ).
- السيد حسين، عدنان، التوسع في الاستراتيجيا الإسرائيلية، دار النفائس للطباعة والنشر، بيروت، ١٩٨٩.
- الشريف، ماهر، البحث عن كيان دراسة في الفكر السياسي الفلسطيني ١٩٠٨-١٩٩٣، ط١، مركز . 10. الأبحاث والدراسات الاشتراكية في العالم العربي، ١٩٩٥.
- الشريف، ماهر، تاريخ فلسطين الاقتصادي الاجتماعي، ط١، دار ابن خادون، بيروت، ١٩٨٥.
- عباس، محمود، طريق أوسلو، ط١، شركة المطبوعات للتوزيع والنشر، بيروت، ١٩٩٤
- علوش، ناجي، فكر حركة المقاومة الفلسطينية (١٩٤٨-١٩٧٧)، ط١، لجنة تراث بيرزيت، ١٩٩٣.
- القراعين، يوسف محمد يوسف، حق الشعب العربي الفلسطيني في تقرير المصير، دار الجليل للنشر، عمان، القراعين، يوسف محمد يوسف، وق الشعب العربي الفلسطيني في تقرير المصير، دار الجليل للنشر، عمان،
- مؤتمر الخبراء الفلسطيني لقضايا مفاوضات الوضع الدائم أوراق ومداولات، المبادرة الفلسطينية لتعميق .19. الحوار العالمي والديمقراطية (مفتاح)، فلسطين، ١٩٩٩.
- محافظة، علي، الفكر السياسي في فلسطين، ط١، مركز الكتب الأردني، ١٩٨٩
- مركز بيرزيت دراسات وتوثيق المجتمع الفلسطيني، إعلان المبادئ الفلسطيني الإسرائيلي آفاق الحاضر 199۳. والمستقبل، وقائع المؤتمر الدراسي، 199۳.
- مـنى، زيـاد، مقدمـة في تاريخ فلسطين القديم، ط١، بيسان للنشر والتوزيع 18. والإعلام، كانون الثاني ٢٠٠٠.
- نوفل، ممدوح، قصنة اتفاق أوسلو، ط١، الأهلية للنشر والتوزيع، عمان، ١٩٩٥
- هنية، أكرم، أوراق كامب ديفيد، شركة مؤسسة الأيام للصحافة والطباعة والنشر والتوزيع، رام الله، ٢٠٠٠.
- 21. Adair, James, Adair's History of the American Indian, Promontory Press, New York, 1930.
- 22. Al-Kayyali, A. W., Zionism, Imperialism and Racism, Croom Helm, London, 1979.
- 23. Al-Rayyes, Nasser, The Israeli Settlements from the Perspective of International Humanitarian Law, Al-Haq, Ramallah, 2000.
- 24. Anderson, William, (ed.), Cherokee Removal Before and After, The University of Georgia Press, 1991.
- 25. Arendt, Hannah, *The Origins of Totalitarianism*, Harcourt Brace & Company, Florida, 1976.
- 26. Arneil, Barbara, John Locke and America, the Defense of English Colonialism, Clarendon Press, London, 1996.
- 27. Chomsky, Noam, The Fateful Triangle, South End Press, Boston, MA, 1983.
- 28. Chomsky, Noam, World Orders Old and New, Columbia University Press, New York, 1996.
- 29. Ciment, James, Palestine/Israel the Long Conflict, Facts on File, Inc., New York, 1997.
- 30. Said, Edward W., The Question of Palestine, Times Books, New York 1979.
- 31. Driver, Harold E., *Indians of North America*, 2nd. Ed., The University of Chicago Press, Chicago, 1969.
- 32. Dyer, Thomas G., *Theodore Roosevelt and the Idea of Race*, Louisiana State University Press, 1980.

Ehle, John, Trail of Tears The Rise and Fall of the Cherokee Nation, 33. Anchor Books, Doubleday Dell Publishing Group, Inc., New York, 1988.

Eisenber, Laura Zittrain and Neil Caplan, Negotiating Arab-Israeli Peace Patterns Problems and Possibilities, Indiana University Press, Bloomington and Indiana, 1998.

Elon, Amos, The Israelis Founders and Sons, Adam publishers, Tel 35.

Aviv, 1981.

Fanon, Frantz, The Wretched of the Earth, Grove Press, New York, 36. 1963.

Finger, John R., The Eastern Band of the Cherokees 1819-1900, The 37. University of Tennessee Press: KNOXVILLE, no date.

Finkelstein, Norman, Oslo: The Last Stage of Conquest, A Paper 38. Presented at the Law Conference, June 1998.

Finkelstien, Norman, Image and Reality of the Israeli-Palestine Conflict, Verso, London and New York, 1995.

Foreman, Grant, Indian Removal, University of Oklahoma Press, Norman and London, 1972.

Giacaman, George and Dag Jorund Lonning, (eds.), After Oslo New Realities, Old Problems, Pluto Press, London, 1998.

Gibson, Arrell Morgan, The American Indian Prehistory to the Present, 42. D.C. Heath and Company, 1980.

Gibson, Arrell Morgan, The West in the Life of he Nation, Lexington,

Massachusetts, 1976.

Glubb, John Bagot (Glubb Pasha), Peace in the Holy Land An Historical Analysis of the Palestine Problem, Hodder and Stoughton, London, 1971.

Goldschmit, Arthur, Jr., A Concise History of the Middle East, 3rd, ed., 45.

Westview Press, Boulder and London, 1988.

Guyatt, Nicholas, The Absence of Peace Understanding the Israeli-Palestinian Conflict, Zed Books, New York, 1998.

Hagan, William T., American Indians, The University of Chicago 47.

Press, Chicago, 1961.

Hudson, Charles, The Southeastern Indians, The University of Tennessee Press: KNOXVILE, 1976.

Institute for Palestine Studies, The Palestinian Israeli Peace Agreements A Documentary Record, 2nd ed., USA, 1994.

Jabbour, George, Settler Colonialism in South Africa and the Middle 50. East, PLO Research Center, Beirut, August 1970.

Jackson, Helen Hunt, A Century of Dishonor A Sketch of the United States Governments Dealings with Some of the Indian Tribes, University of 51. Oklahoma Press, Norman, 1995.

Jahoda, Gloria, The Trail of Tears The Story of the American Indian 52.

Removals 1813-1855, cit., Wings Books, 1975.

King, Daune H., (ed.), The Cherokee Indian Nation A Troubled History, The University of Tennessee Press: KNOXVILE, 1979. 53.

Kishtainy, Khalid, Palestine in Perspective, Palestine Liberation Organization, Research Center, Beirut, May 1971.

Laqueur, Walter and Barry Rubin (eds.), The Israel - Arab Reader, 55. Penguin Books, London, 5th ed.

Malancuzuk, Peter, Akehurst's Modern Introduction to International

Law, 7th ed., Routledge, London and New York, 1997.

McDowall, David, Palestine and Israel The Uprising and Beyond, I.B. 57. Tauris & Co. Ltd., London, 1989.

McDowall, David, The Palestinians the Road to Nationhood, Minority 58. Rights Publications, London, UK, 1995.

Millin, Gertrude, Rhodes, London, 1930. 59.

Nabokov, Peter, (ed.), Native American Testimony An Anthology of 60. Indian and White Relations, First Encounter to Dispossession, Harper Colophon Books, Harper and Row, New York, 1978.

Nadel, George H., Imperialism and Colonialism, The Macmillan

Company, New York, 1964.

Palestinian Academic Society for the Study of International Affairs

(PASSIA), Passia Diary 2001, Jerusalem.

- Palestinian Center for Human Rights, A Comprehensive Survey of Israeli Settlements in the Gaza Strip, Series Study 10, Gaza Strip, January 1996.
- Palumbo, Michael, The Palestinian Catastrophe The 1948 Expulsion of 64. a People from Their Homeland, Quarter Books, London, 1989.

Pappe, Ilan, (ed.), The Israel-Palestine Question, Rewriting Hisotiries, Routledge, London and New York, 1999.

Patai, Raphael, (ed.), Diaries of Theodore Herzl, Harry John trans., New York and London, 1960.

Perude, Theda and Michael D. Green, (eds.), The Cherokee Removal A Brief History with Documents, Bedford Books of St. Martin's Press, New York, 1995.

Rodinson, Maxime, Israel: A Colonial Settler State? Trans. 68.

Thorstad, New York, Monad

Romahi, Seif Ahmad El-Wady, Studies in International Law and 69. Diplomatic Practice, Dante Labo Inc., Tokyo, 1980.

Roy, Sara, The Gaza Strip The Political Economy of De-development, 70. Institute of Palestine Studies, Washington DC., 1995.

Sharif, Regina, Non-Jewish Zionism Its Roots in Western History, Zed 71. Press, London, 1983.

Shaw, M. N., International Law, 3rd ed., Grotius Publications Limited, 72.

Sheehan, Bernard W., Seeds of Extinction, The University of North Cambridge, 1991. 73. Carolina Press, New York, 1973.

Smith, Charles D., Palestine and the Arab-Israeli Conflict, St. Martin's 74.

Press, 1988.

Stevens, Richard P., (ed.), Zionism and Palestine Before the Mandatre A Phase of Western Imperialism, Preface, The Institute of Palestine Studies, 75. Beirut, no date.

Swanton, John R., The Indians of the Southeastern United States,

Smithsonian Institution Press, Washington and London, 1979.

- 77. Tessler, Mark, *A History of the Israeli Palestinian Conflict*, Indiana Univeristy Press, Bloomington and Indianapolis, 1994.
- 78. Thomas, Cyrus, *The Cherokees in Pre-Colombian Times*, New York, Holges, 1890.
- 79. Trigger, Bruce G. and Wilcomb E. Washburn (eds.), *The Cambridge History of the Native Peoples of the Americas*, Vol. 1, Cambridge University Press, USA.
- 80. Usher, Graham, Dispatches from Palestine, Pluto Press, London, 1999.
- 81. Vital, David, The Origins of Zionism, Clarendon Press, London, 1975.
- 82. Wilson, James, *The Earth Shall Weep*, Atlantic Monthly Press, New York, 1998.
- Wormuth, Francis D. and Edwin B. Firmage, *To Chain the Dog of War The War Power of Congress in History and Law*, Southern Methodist University Press, Dallas, 1986.
- 84. Wright, Clifford, Facts and Fables The Arab Israeli Conflict, Kegan Paul International, London, 1989.

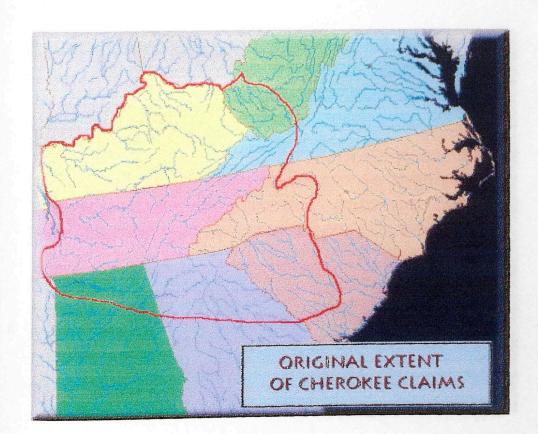
c. Journals and Newspapers:

- ·. "إسرائيل أقامت ١٥٥ مستوطنة في الضفة الغربية يسكنها ١٧٠ ألف نسمة"، جريدة القدس، ١٩٩٩/٧/٣.
 - التوسع الاستيطاني سياسة ثابتة لكل الحكومات الإسر ائيلية"، جريدة القدس، ٢/٢٨/١٩٩٩.
- "السلام الآن: ۱۷۲ ألف مستوطن يهودي ينتشرون في ١٤٠ مستوطنة في غزة والضفة"، جريدة الأيام، ٨/٥/
 - النص الكامل الأفكار كلينتون"، جريدة الأيام، ٢٠٠٠/١٢/٣٠.
 - النص الكامل لتقرير لجنة ميتشل لتقصي الحقائق حول الانتفاضة"، جريدة القدس، ١١/٥/١١.
 - ٣. "تقرير فلسطيني يرصد تصاعد الانتهاكات الإسرائيلية منذ توقيع أوسلو"، جريدة الحياة، ٣٠٠١/٤/١٣.
- ٧٠. "حقوقيــون فلســطينيون: إسرائيل صادرت ١٧٠ ألف دونم و هدمت ٧٢٠ بيتاً منذ التوقيع على اتفاق أوسلو"،
 صحيفة الأبام، ١٩٩٥/٥٦.
 - ٨. "نص اتفاقية مذكرة واي ريفر"، جريدة القدس، ١٩٩٩/٩/٦.
- ٩. أبو عمرو، أكرم، "المستوطنات الإسرائيلية وعملية الفصل المقترحة"، مجلة رؤية، عدد ٧، الهيئة العامة للاستعلامات، فلسطين، ٢٠٠٠.
- ١٠ التفاق تنفيذ مذكرة واي ريفر اتفاق شرم الشيخ، مجلة السياسة الفلسطينية، مركز البحوث والدراسات الفلسطينية، نابلس، عدد ٢١٤، خريف ١٩٩٩، ص ص ٢١٦-٢١٩.
 - ١١. جريدة الأيام، ١١/١١/١٩٩٩.
 - ١٢. جريدة القدس، ١٢/١١/٩٩٩١.
- 1۳. حساسيان، مناويل، "التغيير في الاتجاهات السياسية في الحركة الوطنية"، مجلة السياسة الفلسطينية، العددان السابع والثامن صيف وخريف ١٩٩٥، ص ص ٥٩٠-٩٠ .
- ١٤. خمايسي، راسم، "استراتيجيا الاستيطان الإسرائيلي في الأراضي المحتلة وأثره في التخطيط القطري والتتمية في فاسطين"، مجلة الدراسات الفلسطينية، عدد ٣٧، شتاء ١٩٩٩، ص ص ٣٣-٦١.
 - ١٥. دراج، فيصل، "في الهوية الثقافية الفلسطينية"، مجلة الكرمل، عدد ٥٠، شتاء ١٩٩٧، ص ص ٢٣-٤٤.
- 17. السويركي، جودت، تطورات عمليات الاستيطان في الأراضي الفلسطينية المحتلة عام ١٩٦٧"، جريدة القدس، ٢٠٠٠/٦/١٤

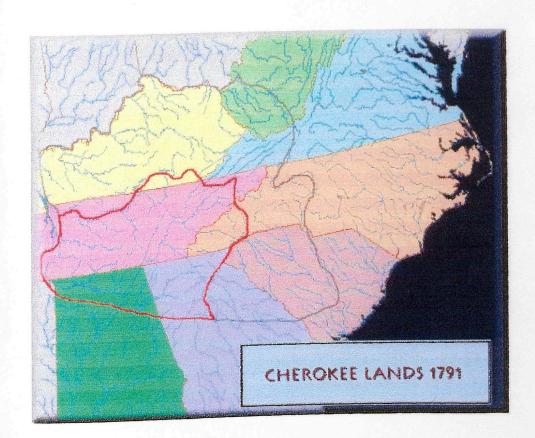
- ١٧. العاروري، تيسير، "القضية الفلسطينية بعد حرب الخليج الثانية الأخطار ومقومات التصدي"، صوت الوطن، العدد ٢٠، نيسان ١٩٩١
- ١٨. عــوض، محسن، قراءة في مذكرة واي ريفر، مجلة المستقبل العربي، مركز دراسات الوحدة العربية، عدد
 ٢٣٩، كانون النان ١٩٩٩، ص ص ٧٧- ٩١.
 - 19. كلاين، مناحيم، "من اللحظة التي توضع فيها الحدود"، مأرتس، ترجمة المصدر، ١٠٠١/٥/٦.
- ٢٠. مذكرة واي ريفر بشأن إعادة الانتشار الثانية للقوات الإسر ائيلية في الضغة الغربية، واشنطن ٢٣/١٠/١٠/١٠ مجلة الدراصات الفلسطينية، عدد ٣٧، بيروت، شتاء ١٩٩٩، ص ص ١٧٠-١٧٩.
- 21. Beck, Martin, "The PLO and the Peace Process in the Middle East, Palestinian Journal for Historical Studies. Vol. 1, No. 2, The Palestinian Society for Historical Studies, Ramallah, 2000, pp. 207-218.
- Finkelstein, Norman"Background of the Visits", *The Link*, Vol. 32, No. 5, Americans for Middle East Understanding, New York, 1999, pp.2-9.
- 23. http://members.aol.com/bbbenge/front.html. Cherokee Treaty Proclaimed August 17, 1864
- 24. http://www.yale.edu/lawweb/avalon/ntreaty/chr1785.htm, The Avalon Project at the Yale Law School, Treaty with the Cherokees 1785.
- 25. Khalidi, Walid, "A Palestinian Perspective on Arab-Israeli Conflict", Journal of Palestine Studies, Institute for Palestine Studies and Kuwait University, Washington D.C., Vol. XIV, No. 4, Summer, 1985.
- 26. Norman Finkelstein, "Securing Occupation: The Real Meaning of Wye River Memorandum" www.normanfinkelstein.com/id66_m.htm, November 28, 1998.
- 27. <u>www.encarta.msn.com</u>: Imperialism.
- 28. Young, Mary, "The Cherokee Nation: Mirror of the Republic", American Quarterly, Vol 33, winter 1981.

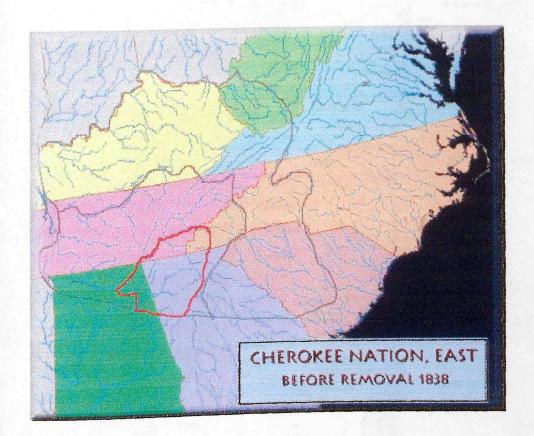
MAPS

- 1. Original Extent of Cherokee Claims
- 2. Cherokee Land in 1791
- 3. Cherokee Nation, East. Before Removal 1838
- 4. Palestinian Sub-districts According to British Mandate Administration (1917-1948 CE)
- 5. Oslo Interim Agreement on September 28th, 1995
- 6. Wye River Memorandum October 23rd, 1998
- 7. Sharm Esh-Sheikh Memorandum (Phase One) on September 4th, 1999.



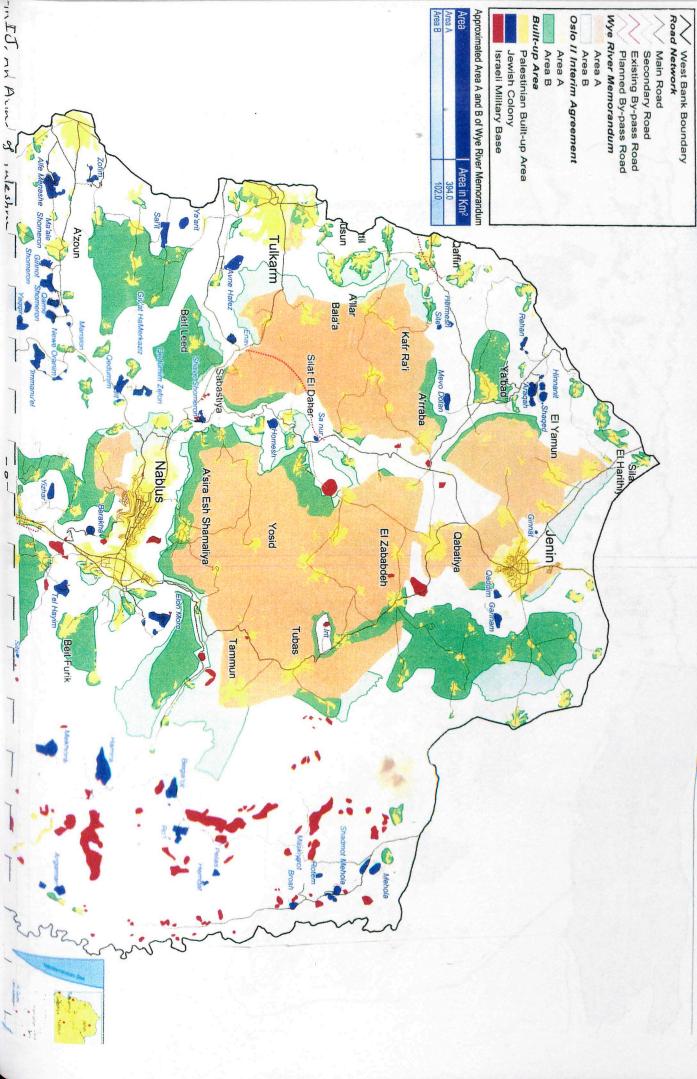
http://nacan.tes.cu/Pen/Shekel 12/-

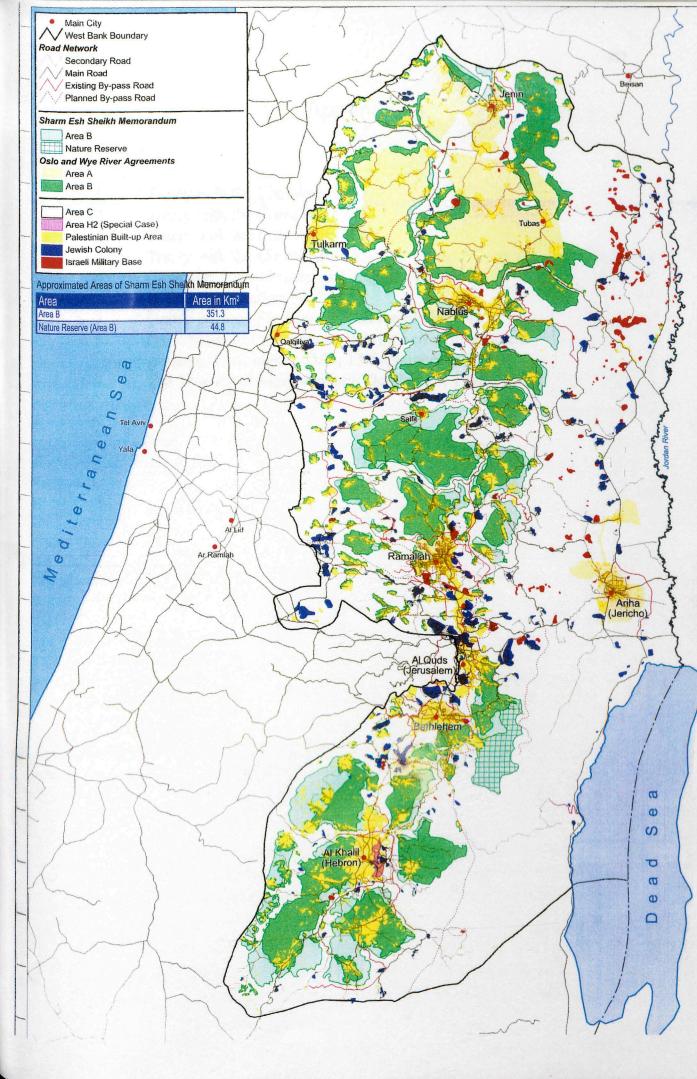












Appendices

- 1. Treaty with the Cherokee: 1785
- 2. Treaty with the Cherokee: 1791
- 3. Treaty with the Cherokee: 1794
- 4. Treaty with the Cherokee: 1835
- 5. Cherokee Treaty Proclaimed August 17, 1846
- 6. Balfour Declaration 1917
- 7. United Nations Security Council Resolution 242
- 8. Declaration of Principles on Interim Self Government
- Arrangements, Washington, D.C., 13 September 1993
- 9. The Wye River Memorandum; October 23, 1998

The Avalon Project



at the Yale

Law School

Treaty With the Cherokee: 1785

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6	Art 7
Art 8	Art 9	Art 10	Art 11	Art 12	A	rt 13
see also Navigat	Note Rega ion Betwee	rding Articl n Spain and	e 5 of the Tr the U.S.: 17	reaty of Frie	ndship, Lír	nits, and
S	ee also Wa	shington's M	Iessage to th	e Senate of	August 11.	1790

Articles concluded at Hopewell, on the Keowee, between Benjamin Hawkins, Andrew Pickens, Joseph Martin, and Lachlan M'Intosh, Commissioners Plenipotentiary of the United States of America, of the one Part, and the headmen and Warriors of all the Cherokees of the other.

The Commissioners Plenipotentiary of the United States in Congress assembled, give peace to all the Cherokees, and receive them into the favor and protection of the United States of America, on the following conditions:

ARTICLE I.

The Head-Men and Warriors of all the Cherokees shall restore all the prisoners, citizens of the United States, or subjects of their allies, to their entire liberty: They shall also restore all the Negroes, and all other property taken during the late war from the citizens, to such person, and at such time and place, as the Commissioners shall appoint.

ARTICLE II.

The Commissioners of the United States in Congress assembled, shall restore all the prisoners taken from the Indians, during the late war, to the Head-Men and Warriors of the Cherokees, as early as is practicable.

ARTICLE III.

The said Indians for themselves and their respective tribes and towns do acknowledge all the Cherokees to be under the protection of the United States

of America, and of no other sovereign whosoever.

ARTICLE IV.

The boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America, is, and shall be the following, viz. Beginning at the mouth of Duck river, on the Tennessee; thence running north-east to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a north-east line to be run, which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line, near Cumberland gap; thence to the mouth of Claud's creek on Holstein; thence to the Chimney-top mountain; thence to Camp-creek, near the mouth of Big Limestone, on Nolichuckey; thence a southerly course six miles to a mountain; thence south to the North-Carolina line; thence to the South-Carolina Indian boundary, and along the same south-west over the top of the Oconee mountain till it shall strike Tugaloo river; thence a direct line to the top of the Currohee mountain; thence to the head of the south fork of Oconee river.

ARTICLE V.

If any citizen of the United States, or other person not being an Indian, shall attempt to settle on any of the lands westward or southward of the said boundary which are hereby allotted to the Indians for their hunting grounds, or having already settled and will not remove from the same within six months after the ratification of this treaty, such person shall forfeit the protection of the United States, and the Indians may punish him or not as they please: Provided nevertheless, That this article shall not extend to the people settled between the fork of French Broad and Holstein rivers, whose particular situation shall be transmitted to the United States in Congress assembled for their decision thereon, which the Indians agree to abide by.

ARTICLE VI.

If any Indian or Indians, or person residing among them, or who shall take refuge in their nation, shall commit a robbery, or murder, or other capital crime, on any citizen of the United States, or person under their protection, the nation, or the tribe to which such offender or offenders may belong, shall be bound to deliver him or them up to be punished Cording to the ordinances of

the United States; provided, that the punishment shall not be greater than if the robbery or murder, or other capital crime had been committed by a citizen on a citizen.

ARTICLE VII.

If any citizen of the United States, or person under their protection, shall commit a robbery or murder, or other capital crime, on any Indian, such offender or offenders shall be punished in the same manner as if the murder or robbery, or other capital crime, had been committed on a citizen of the United States; and the punishment shall be in presence of some of the Cherokees, if any shall attend at the time and place, and that they may have an opportunity so to do, due notice of the time of such intended punishment shall be sent to some one of the tribes.

ARTICLE VIII.

It is understood that the punishment of the innocent under the idea of retaliation, is unjust, and shall not be practiced on either side, except where there is a manifest violation of this treaty; and then it shall be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.

ARTICLE IX.

For the benefit and comfort of the Indians, and for the prevention of injuries or oppressions on the part of the citizens or Indians, the United States in Congress assembled shall have the sole and exclusive right of regulating the trade with the Indians, and managing all their affairs in such manner as they think proper.

ARTICLE X.

Until the pleasure of Congress be known, respecting the **ninth article**, all traders, citizens of the United States, shall have liberty to go to any of the tribes or towns of the Cherokees to trade with them, and they shall be protected in their persons and property, and kindly treated.

ARTICLE XI.

The said Indians shall give notice to the citizens of the United States, of any designs which they may know or suspect to be formed in any neighboring tribe, or by any person whosoever, against the peace, trade or interest of the United States.

ARTICLE XII.

That the Indians may have full confidence in the justice of the United States, respecting their interests, they shall have the right to send a deputy of their choice, whenever they think fit, to Congress.

ARTICLE XIII.

The hatchet shall be forever buried, and the peace given by the United States, and friendship re-established between the said states on the one part, and all the Cherokees on the other, shall be universal; and the contracting parties shall use their utmost endeavors to maintain the peace given as aforesaid, and friendship re-established.

In witness of and every thing herein determined, between the United States of America and all the Cherokees, we, their underwritten Commissioners, by virtue of Her full powers, have signed this definitive treaty, and have caused our seals to be hereunto affixed

Done at Hopewell, on the Keowee, this twenty-eighth of November, in the year of our Lord one thousand seven hundred and eighty-five.

Benjamin Hawkins And'w Piekens, Jos. Martinl Lach'n McIntosh Koatohee, or Corn Tassel of Toquo, his x mark Seholauetta, or Hanging Man of Chota, his x mark Tuskegatahu, or Long Fellow of Chistohoe, his x mark Ooskvrha, or Abraham of Chilkowa, his x mark Kolakusta, or Prince of Noth, his x mark Newota, or the Gritzs of Chicamaga his x mark Konatota, or the Rising Fawn of Highwassay, his x mark Tuckasee, or Young Terrapin of Allajoy, his x mark Toostaka, or the Waker of Oostanawa, his x mark Untoola, or Gun Rod of Seteco, his x mark Unsuokanail, Buffalo White Calf New Cussee, his x mark Kostayeak, or Sharp Fellow Wataga, his x mark Chonosta, of Cowe, his x mark Chescoonwho, Bird in Close of Tomotlug, his x mark Tuckasee, or Terrapin of Hightowa his x mark

Chesetoa, or the Rabbit of Tlaeoa, his x mark Cheseeotetona, or Yellow Bird of the Pine Log, his x mark Sketaloska, Second Man of Tillico, his x mark Chokasatahe, Chiekasaw Killer Tasonta, his x mark Onanoota, of Koosoate, hisx mark, Ookoseta, or Sower Mush of Kooloque, his x mark Umatooetha. the Water Hunter Choikamawga, his x mark Wyuka, of Lookout Mountain, his x mark Tulco, or Tom of Chatuga, his x mark Will, of Akoha, his x mark Neeatee, of Sawta, his x mark Amokontakona, Kuteloa, his x mark Kowetatahee, in Frog Town, his x mark Keukuck, Taleoa, his x mark Tulatiska, of Chaway, his x mark Wooaluka, the Waylayer, Chota, his x mark Tatliusta, or Porpoise of Tilassi, his mark John, of Little Tallico, his x mark Skelelak, his x mark Akonoluchta, the cabin, his x mark Cheanoka, of Kawetakae, his x mark Yellow Bird, his x mark

Witness:

Wm. Blount
Sam'l Taylor, Major.,
John Owen,
Jess. Walton,
Jno. Cowan, eapt. eomm'd't,
Thos. Gregg,
W. Hazzard.
James Madison,
Arthur Cooley,

Sworn interpreters.

8 من 1 صفحة 8 The Avalon Project : Treaty With the Cherokee

The Avalon Project



at the Yale

Law School

Treaty With the Cherokee: 1791

Art 1	Art 2	Art 3	Art 4	Art 5	Art 6	Art 7	Art 8
Art 9	Art 10	Art 11	Art 12	Art 13	Art 14	Art 15	Art 16
	tay, and	en eine wert	Addition	nal Articl	e	ces, ali d	ne prison
	Sayl, Adici		Addition			dahin Ti	imita

A Treaty of Peace and; Friendship made and concluded between the President of the United States of America, on the Part and Behalf of the said States, and the undersigned Chiefs and Warriors, of the Cherokee Nation of Indians, on the part aide Behalf of the said Nation.

The parties being desirous of establishing permanent peace and friendship between the United States and the said Cherokee Nation, and the citizens and members thereof, and to remove the causes of war, by ascertaining their limits and making other necessary, just and friendly arrangements: The President of the United States, by William Blount, Governor of the territory of the United States of America, south of the river Ohio, and Superintendant of Indian affairs for the southern district, who is vested with full powers for these purposes, by and with-the advice and consent of the Senate of the United States. And the Cherokee Nation, by the undersigned Chiefs and Warriors representing the said nation, have agreed to the following articles, namely:

ARTICLE I.

There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians.

ARTICLE II.

The undersigned Chiefs and Warriors, for themselves and all parts of the nttp://www.yaie.edu/iawweb/avaion/ntreaty/cnr1/91.ntm 23/03/22

The Avalon Project: Treaty With the Cherokee: 1791

Cherokee nation do acknowledge themselves and the said Cherokee nation, to be under the protection of the said United States of America, and of no other sovereign whosoever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual state, or with individuals of any state.

ARTICLE III.

The Cherokee nation shall deliver to the Governor of the territory of the United States of America, south of the river Ohio, on or before the first day of April next, at this place, all persons who are now prisoners, captured by them from any part of the United States: And the United States shall on or before the same day, and at the same place, restore to the Cherokees, all the prisoners now in captivity, which the citizens of the United States have captured from them.

ARTICLE IV.

The boundary between the citizens of the United States and the Cherokee nation, is and shall be as follows: Beginning at the top of the Currahee mountain, where the Creek line passes it; thence a direct line to Tugelo river; thence northeast to the Occunna mountain, and over the same along the South-Carolina Indian boundary to the North-Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch, that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of Cumberland mountain; thence a direct line to the Cumberland river where the Kentucky road crosses it; thence down the Cumberland river to a point from which a south west line will strike the ridge which divides the waters of Cumberland from those of Duck river, forty miles above Nashville; thence down the said ridge to a point from whence a south west line will strike the mouth of Duck river.

And in order to preclude forever all disputes relative to the said boundary, the same shall be ascertained, and marked plainly by three persons appointed on the part of the United States, and three Cherokees on the part of their nation.

And in order to extinguish forever all claims of the Cherokee nation, or any part thereof, to any of the land lying to the right of the line above described. beginning as aforesaid at the Currahee mountain, it is hereby agreed, that in addition to the consideration heretofore made for the said land, nttp://www.yaie.edu/iawweb/avaion/ntreaty/cnr1/91.ntm

the United States will cause certain valuable goods, to be immediately delivered to the undersigned Chiefs and Warriors, for the use of their nation; and the said United States will also cause the sum of one thousand dollars to be paid annually to the said Cherokee nation. And the undersigned Chiefs and Warriors, do hereby for themselves and the whole Cherokee nation, their heirs and descendants, for the considerations above-mentioned, release, quit-claim, relinquish and cede, all the land to the right of the line described, and beginning as aforesaid.

ARTICLE V.

It is stipulated and agreed, that the citizens and inhabitants of the United States, shall have a free and unmolested use of a road from Washington district to Mero district, and of the navigation of the Tennessee river.

ARTICLE VI.

It is agreed on the part of the Cherokees, that the United States shall have the sole and exclusive right of regulating their trade.

ARTICLE VII.

The United States solemnly guarantee to the Cherokee nation, all their lands not hereby ceded.

ARTICLE VIII.

If any citizen of the United States, or other person not being an Indian, shall settle on any of the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.

ARTICLE IX.

No citizen or inhabitant of the United States, shall attempt to hunt or destroy the game on the lands of the Cherokees; nor shall any citizen or inhabitant go into the Cherokee country, without a passport first obtained from the Governor of some one of the United States, or territorial districts, or such other person as the President of the United States may from time to time authorize to grant the same.

ARTICLE X.

If any Cherokee Indian or Indians, or person residing among them, or nttp://www.yaie.eau/iawweb/avaion/ntreaty/cnr1/91.ntm 23/03/22

The Avalon Project : Treaty With the Cherokee : 1791

who shall take refuge in their nation, shall steal a horse from, or commit a robbery or murder, or other capital crime, on any citizens or inhabitants of the United States, the Cherokee nation shall be bound to deliver him or them up, to be punished according to the laws of the United States.

ARTICLE XI.

If any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which if committed within the jurisdiction of any state, or within the jurisdiction of either of the said districts, against a citizen or white inhabitant thereof, would be punishable by the laws of such state or district, such offender or offenders, shall be subject to the same punishment, and shall be proceeded against in the same manner as if the of fence had been committed within the jurisdiction of the state or district to which he or they may belong against a citizen or white inhabitant thereof.

ARTICLE XII.

In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is and shall have been refused.

ARTICLE XIII.

The Cherokees shall give notice to the citizens of the United States, of any designs which they may know, or suspect to be formed in any neighboring tribe, or by any person whatever, against the peace and interest of the United States.

ARTICLE XIV.

That the Cherokee nation may be led to a greater degree of civilization, and to become herdsmen and cultivators, instead of remaining in a state of hunters, the United States will from time to time furnish gratuitously the said nation with useful implements of husbandry, and further to assist the said nation in so desirable a pursuit, and at the same time to establish a certain mode of communication, the United States will send such, and so many persons to reside in said nation as they may judge proper, not exceeding four

in number, who shall qualify themselves to act as interpreters. These persons nttp://www.yaie.edu/iawweb/avaion/ntreaty/cnr1/91.ntm 23/03/22

shall have lands assigned by the Cherokees for cultivation for themselves and their successors in office; but they shall be precluded exercising any kind of traffic.

ARTICLE XV.

All animosities for past grievances shall henceforth cease, and the contracting parties will carry the foregoing treaty into full execution with all good faith and sincerity.

ARTICLE XVI.

This treaty shall take effect and be obligatory on the contracting parties as soon as the same shall have been ratified by the President of the United States, with the advice and consent of the Senate of the United States. In witness of all and every thing herein determined between the

United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals, at the treaty ground on the bank of the Holston, near the mouth of the French Broad, within the

United States, this second day of July, in the year of our Lord one thousand seven hundred and ninety-one.

William Blount, governor in and over the territory of the United States of America south of the river Ohio, and superintendent of Indian Affairs for the southern district,

Chuleoah, or the Boots, his x mark,

Squollecuttah, or Hanging Maw, his x mark,

Oecunna, or the Badger, his x mark,

Enoleh, or Black Fox, his x mark,

Nontuaka, or the Northward, his x mark,

Tekakiska, his x mark

Chutloh, or King Fisher, his x mark,

Tuckaseh, or Terrapin, his x mark,

Kateh, his x mark

Kunnochatutloh, or the Crane, his x mark

Canquillehanah, or the Thigh, his x mark,

Chesquotteleneh, or Yellow Bird, his x mark,

Chickasawtehe, or Chickasaw Killer, his x mark,

Tuskegatehe, Tuskega Killer, his x mark,

Kulsatehe, his x mark,

The Avalon Project: Treaty With the Cherokee: 1791

Tinkshalene, his x mark Sawntteh, or Slave Catcher, his x mark, Auknah, his x mark Oosenaleh, his x mark Kenotetah, or Rising Fawn, his x mark, Kanetetoka, or Standing Turkey, his x mark. Yonewatleh, or Bear at Home, his x mark, Long Will, his x mark Kunoskeskie, or John Watts, his x mark, Nenetooyah, or Bloody Fellow, his x mark, Chuquilatague, or Double Head his x mark, Koolaquah, or Big Acorn, his x mark Too wayelloh, or Bold Hunter, his x mark Jahleoonoyehka, or Middle Striker, his x mark, Kinnesah, or Cabin, his x mark, Tullotehe, or Two Killer, his x mark Kaalouske, or Stopt Still, his x mark Kulsatche, his x mark, Auquotague, the Little Turkey's Son, his x mark, Talohteske, or Upsetter, his x mark, Cheakoneske, or Otter Lifter, his x mark Keshukaune, or She Reigns, his x mark, Toonaunailoh, his x mark, Teesteke, or Common Disturber his x mark, Robin McClemore Skyuka John Thompson, Interpreter. James Cery, Interpreter.

Done in presence of-

Dan'l Smith, Secretary Territory United States south of the river Ohio Thomas Kennedy, of Kentucky.
Jas. Robertson, of Mero District
Claiborne Watkins, of Virginia.
Jno. McWhitney, of Georgia.
Fauche, of Georgia.
Titus Ogden, North Carolina.
Jno. Chisolm, Washington District.
Robert King.

The Avalon Project: Treaty With the Cherokee: 1791

Additional Article To the Treaty made between the United States and the Cherokees on the second day of July, one thousand seven hundred and ninety-one.

IT is hereby mutually agreed between Henry Knox, Secretary of War, duly authorized thereto in behalf of the United States, on the one part, and the undersigned chiefs and warriors, in behalf of them selves and the Cherokee nation, on the other part, that the following article shall be added to and considered as part of the treaty made between the United States and the said Cherokee nation on the second day of July, one thousand seven hundred and ninety-one; to wit:

The sum to be paid annually by the United States to the Cherokee nation of Indians, in consideration of the relinquishment of land, as stated in the treaty made with them on the second day of July, one thousand seven hundred and ninety-one, shall be one thousand five hundred dollars instead of one thousand dollars, mentioned in the said treaty.

In testimony whereof, the said Henry Knox, Secretary of War, and the said chiefs and warriors of the Cherokee nation, have hereunto set their hands and seals, in the city of Philadelphia, this seventeenth day of February, in the year of our Lord, one thousand seven hundred and ninety-two.

H. Knox, Secretary of War,
Iskagua, or Clear Sky, his x mark (formerly Nenetooyah, or Bloody Fellow),
Nontuaka, or the Northward, his x mark,
Chutloh, or King Fisher, his x mark,
Katigoslah, or the Prince, his x mark,
Teesteke, or Common Disturber, his x mark,
Suaka, or George Miller, his x mark,

In presence ofThomas Grooter.
Jno. Stagg, Jr.
Leonard D. Shaw
James Cery, sworn intrepreter to the Cherokee Nation.

Source:

Indian Affairs : Laws and Treaties Vol II (Treaties)

Compiled and Edited By Charles J. Kappler LL. M. Clerk to the Senate Committee on Indian Affairs Washington, DC: Government Printing Office, 1904

Treaties Between the U.S. and Native Americans Page

© 1997 The Avalon Project. William C. Fray and Lisa A. Spar, Co-Directors. The Avalon Project: Treaty With the Cherokee: 1791 was last modified on: 06/14/2001 13:14:06

The Avalon Project



at the Yale

Law School

Treaty With the Cherokee, 1794

Art 1	Art 2	Art 3	Art 4	Art 5
see also No and Navig	te Regarding Agation Between	Article 5 of the Table 1	Freaty of Friend e U.S.: 1795	ship, Limits,

WHEREAS the treaty made and concluded on Holston river, on the second day of July, one thousand seven hundred and ninety-one, between the United States of America and the Cherokee nation of Indians, has not been fully carried into execution by reason of some misunderstandings which have arisen:

ARTICLE I.

And whereas the undersigned Henry Knox, Secretary for the department of War, being authorized thereto by the President of the United States, in behalf of the said United States, and the undersigned Chiefs and Warriors, in their own names, and in behalf of the whole Cherokee nation, are desirous of re-establishing peace and friendship between the said parties in a permanent manner, Do hereby declare, that the said treaty of Holston is, to all intents and purposes, in full force and binding upon the said parties, as well in respect to the boundaries therein mentioned as in all other respects whatever.

ARTICLE II.

It is hereby stipulated that the boundaries mentioned in the **fourth article** of the said treaty, shall be actually ascertained and marked in the manner prescribed by the said article, whenever the Cherokee nation shall have ninety days notice of the time and place at which the commissioners of the United States intend to commence their operation.

ARTICLE III.

The United States, to evince their justice by amply compensating the said Cherokee nation of Indians for all relinquishments of land made either by the eighth of November one thousand seven hundred and eighty-five, or the aforesaid treaty made upon Holston river, on the second of July, one thousand seven hundred and ninety-one, do hereby stipulate, in lieu of all former slims to be paid annually to furnish the Cherokee Indians with goods suitable for their use, to the amount of five thousand dollars yearly.

ARTICLE IV.

And the said Cherokee nation, in order to evince the sincerity of their intentions in future, to prevent the practice of stealing horses, attended with the most pernicious consequences to the lives and peace of both parties, do hereby agree, that for every horse which shall be stolen from the white inhabitants by any Cherokee Indians, and not returned within three months, that the sum of fifty dollars shall be deducted from the said annuity of five thousand dollars.

ARTICLE V.

The articles now stipulated will be considered as permanent additions to the **treaty of Holston**, as soon as they shall have been ratified by the President of the United States and the Senate of the United States.

In witness of all and every thing herein determined between the United States of America and the whole Cherokee nation, the parties have hereunto set their hands and seals in the city of Philadelphia, within the United States, this twenty-sixth day of June, in the year of our Lord one thousand seven hundred and ninety four.

H. Knox, Secretary of War
Tekakisskee, or Taken out of the Water, his x mark
Nontuaka, or the North arc, his x mark,
Cinasaw, or the Cabin, his x mark,
Skyuka his x mark,
Chuquiiatague, or Double Head, his x mark
John MeCleemore, his x mark
Walaliue, or the Humming Bird,
Chuleowee, his x mark,
Ustanaqua, his X mark
Kullusathee, his x mark,
Siteaha, his x mark,
Siteaha, his x mark,
Keenaguna, or the Lying Fawn, his x mark,
nttp://www.yaie.edu/iawweb/avaion/ntreaty/cnr1/94.ntm

Chatakaelesa, or the Fowl Carrier,

Done in presence of-

John Thompson,
William Wofford, of the State of Georgia.
Arthur Coodey, Interpreters,
W: McCaleb, of South Carolina.
Cantwell Jones, of Delaware.
Samuel Lewis, of Philadelphia.

Source:

Indian Affairs: Laws and Treaties
Vol II (Treaties)

Compiled and Edited By Charles J. Kappler LL. M. Clerk to the Senate Committee on Indian Affairs Washington, DC: Government Printing Office, 1904

Treaties Between the U.S. and Native Americans Page

© 1998 The Avalon Project. William C. Fray and Lisa A. Spar, Co-Directors. The Avalon Project: Treaty With the Cherokee, 1794 was last modified on: 06/14/2001 13:17:25

Theda Perdue & Michael Gren, The Cherokee Removal A Brief History with Documents, 1955

Treaty with the Cherokees 1835

Whereas the Cherokees are anxious to make some arrangements with the Government of the United States whereby the difficulties they have experienced by a residence within the settled parts of the United States under the jurisdication and laws of the State Governments may be terminated and adjusted; and with a view to reuniting their people in one body and securing a permanent home for themselves and their posterity in the country selected by their forefathers without the territorial limits of the State sovereignties, and where they can establish and enjoy a government of their choice and perpetuate such a state of society as may be most consonant with their views, habits and condition; and as may tend to their

individual comfort and their advancement in civilization. . . .

And whereas the Cherokee people, at their last October council at Red Clay, fully authorized and empowered a delegation or committee of twenty persons of their nation to enter into and conclude a treaty with the United States commissioner then present, at that place or elsewhere and as the people had good reason to believe that a treaty would then and there be made or at a subsequent council at New Echota which the commissioners it was well known and understood, were authorized and instructed to convene for said purpose; and since the said delegation have gone on to Washington city, with a view to close negotiations there, as stated by them notwithstanding they were officially informed by the United States commissioner that they would not be received by the President of the United States; and that the Government would transact no business of this nature with them, and that if a treaty was made it must be done here in the nation, where the delegation at Washington last winter urged that it should be done for the purpose of promoting peace and harmony among the people; and since these facts have also been corroborated to us by a communication recently received by the commissioner from the Government of the United States and read and explained to the people in open council and therefore believing said delegation can effect nothing and since our difficulties are daily increasing and our situation is rendered more and more precarious uncertain and insecure in consequence of the legislation of the States; and seeing no effectual way of relief, but in accepting the liberal overtures of the United States. . . .

And whereas the said commissioners did appoint and notify a general council of the nation to convene at New Echota on the 21st day of December 1835; and informed them that the commissioners would be prepared to make a treaty with the Cherokee people who should assemble there and those who did not come they should conclude gave their assent and sanction to whatever should be transacted at this council and the people having met in council according to said notice.

Therefore the following articles of a treaty are agreed upon and concluded between William Carroll and John F. Schermerhorn commissioners on the part of the United States and the chiefs and head men and people of the Cherokee nation in general council assembled this 29th day of Decr

1835.

Article 1

The Cherokee nation hereby cede relinquish and convey to the United States all the lands owned claimed or possessed by them east of the Mississippi river, and hereby release all their claims upon the United States for spoliations of every kind for and in consideration of the sum of five millions of dollars to be expended paid and invested in the manner stipulated and agreed upon in the following articles. But as a question has arisen between the commissioners and the Cherokees whether the Senate in their resolution by which they advised "that a sum not exceeding five millions of dollars be paid to the Cherokee Indians for all their lands and possessions east of the Mississippi river" have included and made any allowance or consideration for claims for spoliations it is therefore agreed on the part of the United States that this question shall be again submitted to the Senate for their consideration and decision and if no allowance was made for spoliations that then an additional sum of three hundred thousand dollars be allowed for the same. . . .

Article 5

The United States hereby covenant and agree that the lands ceded to the Cherokee nation in the forgoing article shall, in no future time without their consent, be included within the territorial limits or jurisdiction of any State or Territory. But they shall secure to the Cherokee nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country belonging to their people or such persons as have connected themselves with them: provided always that they shall not be inconsistent with the constitution of the United States and such acts of Congress as have been or may be passed regulating trade and

intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the Government of the same. . . .

Article 8

The United States also agree and stipulate to remove the Cherokees to their new homes and to subsist them one year after their arrival there and that a sufficient number of steamboats and baggage-wagons shall be furnished to remove them comfortably, and so as not to endanger their health, and that a physician well supplied with medicines shall accompany each detachment of emigrants removed by the Government. Such persons and families as in the opinion of the emigrating agent are capable of subsisting and removing themselves shall be permitted to do so; and they shall be allowed in full for all claims for the same twenty dollars for each member of their family; and in lieu of their one year's rations they shall be paid the sum of thirty-three dollars and thirty-three cents if they prefer it.

Such Cherokees also as reside at present out of the nation and shall remove with them in two years west of the Mississippi shall be entitled to

allowance for removal and subsistence as above provided.

Article 9

The United States agree to appoint suitable agents who shall make a just and fair valuation of all such improvements now in the possession of the Cherokees as add any value to the lands; and also of the ferries owned by them, according to their net income; and such improvements and ferries from which they have been dispossessed in a lawless manner or under any existing laws of the State where the same may be situated.

The just debts of the Indians shall be paid out of any monies due them for their improvements and claims; and they shall also be furnished at the discretion of the President of the United States with a sufficient sum to enable them to obtain the necessary means to remove themselves to their new homes, and the balance of their dues shall be paid them at the Cherokee agency west of the Mississippi. The missionary establishments shall also be valued and appraised in a like manner and the amount of them paid over by the United States to the treasurers of the respective missionary societies by whom they have been established and improved in order to enable them to erect such buildings and make such improvements among the Cherokees west of the Mississippi as they may deem necessary

for their benefit. Such teachers at present among the Cherokees as this council shall select and designate shall be removed west of the Mississippi with the Cherokee nation and on the same terms allowed to them.

Article 10

The President of the United States shall invest in some safe and most productive public stocks of the country for the benefit of the whole Cherokee nation who have removed or shall remove to the lands assigned by this treaty to the Cherokee nation west of the Mississippi the following sums as a permanent fund for the purposes hereinafter specified and pay over the net income of the same annually to such person or persons as shall be authorized or appointed by the Cherokee nation to receive the same and their receipt shall be a full discharge for the amount paid to them viz: the sum of two hundred thousand dollars in addition to the present annuities of the nation to constitute a general fund the interest of which shall be applied annually by the council of the nation to such purposes as they may deem best for the general interest of their people. The sum of fifty thousand dollars to constitute an orphans' fund the annual income of which shall be expended towards the support and education of such orphan children as are destitute of the means of subsistence. The sum of one hundred and fifty thousand dollars in addition to the present school fund of the nation shall constitute a permanent school fund, the interest of which shall be applied annually by the council of the nation for the support of common schools and such a literary institution of a higher order as may be established in the Indian country. And in order to secure as far as possible the true and beneficial application of the orphans' and school fund the council of the Cherokee nation when required by the President of the United States shall make a report of the application of those funds and he shall at all times have the right if the funds have been misapplied to correct any abuses of them and direct the manner of their application for the purposes for which they were intended. The council of the nation may by giving two years' notice of their intention withdraw their funds by and with the consent of the President and Senate of the United States, and invest them in such manner as they may deem most proper for their interest. The United States also agree and stipulate to pay the just debts and claims against the Cherokee nation held by the citizens of the same and also the just claims of citizens of the United States for services rendered to the nation and the sum of sixty thousand dollars is appropriated for this purpose but no claims against individual persons of the nation shall be allowed and paid by the nation. The sum of three hundred thousand dollars

is hereby set apart to pay and liquidate the just claims of the Cherokees upon the United States for spoliations of every kind, that have not been already satisfied under former treaties. . .

Article 16

It is hereby stipulated and agreed by the Cherokees that they shall remove to their new homes within two years from the ratification of this treaty and that during such time the United States shall protect and defend them in their possessions and property and free use and occupation of the same and such persons as have been dispossessed of their improvements and houses; and for which no grant has actually issued previously to the enactment of the law of the State of Georgia, of December 1835 to regulate Indian occupancy shall be again put in possession and placed in the same situation and condition, in reference to the laws of the State of Georgia, as the Indians that have not been dispossessed; and if this is not done, and the people are left unprotected, then the United States shall pay the several Cherokees for their losses and damages sustained by them in consequence thereof. And it is also stipulated and agreed that the public buildings and improvements on which they are situated at New Echota for which no grant has been actually made previous to the passage of the above recited act if not occupied by the Cherokee people shall be reserved for the public and free use of the United States and the Cherokee Indians for the purpose of settling and closing all the Indian business arising under this treaty between the commissioners of claims and the Indians.

The United States, and the several States interested in the Cherokee lands, shall immediately proceed to survey the lands ceded by this treaty; but it is expressly agreed and understood between the parties that the agency buildings and that tract of land surveyed and laid off for the use of Colonel R. J. Meigs Indian agent or heretofore enjoyed and occupied by his successors in office shall continue subject to the use and occupancy of the United States, or such agent as may be engaged specially superintending the removal of the tribe. .

Article 19

This treaty after the same shall be ratified by the President and Senate of the United States shall be obligatory on the contracting parties.....

In testimony whereof, the commissioners and the chiefs, head men, and people whose names are hereunto annexed, being duly authorized by the

people in general council assembled, have affixed their hands and seals for themselves, and in behalf of the Cherokee nation.

I have examined the foregoing treaty, and although not present when it was made, I approve its provisions generally, and therefore sign it.

Wm. Carroll, J. F. Schermerhorn

Major Ridge, his x mark, James Foster, his x mark, Tesa-ta-esky, his x mark, Charles Moore, his x mark, George Chambers, his x mark, Tah-yeske, his x mark, Archilla Smith, his x mark, Andrew Ross, William Lassley,	[L.S.] [L.S.]	Te-gah-e-ske, his x mark, Robert Rogers, John Gunter, John A. Bell, Charles F. Foreman, William Rogers, George W. Adair, Elias Boudinot, James Starr, his x mark,	[L.S.] [L.S.] [L.S.] [L.S.] [L.S.] [L.S.] [L.S.] [L.S.]
Cae-te-hee, his x mark,	[L.S.]	Jesse Half-breed, his x mark,	[L.S.]

. Signed and sealed in presence of-

Western B. Thomas, secretary.	
Ben. F. Currey, special agent.	
M. Wolfe Batman, first lieutenant,	sixth
U.S. Infantry, disbursing agent.	
Ion, L. Hooper, lieutenant, fourth Inf.	antry

C. M. Hitchcock, M.D., assistant surgeon, U. S. A.
G. W. Currey,
Wm. H. Underwood,
Cornelius D. Terhune,
John W. H. Underwood.

THE OPPOSITION CONTINUES

The signing of a removal treaty in December 1835 and its ratification by the Senate in the spring of 1836 did not end opposition to removal. John Ross continued his efforts to have the treaty abrogated. Simultaneously and in apparent contradiction to his resistance to removal, he lobbied to have the payment for lands in the East increased and the title to a western territory guaranteed. He suggested alternatives to removal including the extension of United States citizenship to Cherokees remaining in the East and their acceptance of fair state laws. Such a measure would have ended the Cherokee Nation and his own political career. He even explored the possibility of emigration to Mexico, where the Cherokees would at last be beyond the reach of the United States. Ross worried that removal under the Treaty of New Echota would not be the Cherokees' last. Indeed, in 1828 Cherokees who had earlier moved west had to give up their land in what became Arkansas and move even farther west.

Cherokee Treaty Proclaimed August 17, 1846

Articles of a treaty made and concluded at Washington, in the District of Columbia, between the United States of America, by three commissioners, Edmund Burke, William Armstrong, and Albion K. Parris; and John Ross, principal chief of the Cherokee Nation; David Vann, William S. Coody, Richard Taylor, T. H. Walker, Clement V. McNair, Stephen Foreman, John Drew, and Richard Field, delegates duly appointed by the regularly constituted authorities of the Cherokee Nation; George W. Adair, John A. Bell, Stand Watie, Joseph M. Lynch, John Huss, and Brice Martin, a delegation appointed by, and representing that portion of the Cherokee tribe of Indians known, and recognized as the "Treaty Party;" John Brown, Captain Dutch, John L. McCoy, Richard Drew, and Ellis Phillips, delegates appointed by, and representing, that portion of the Cherokee Tribe of Indians known and recognized, as "Western Cherokees," or "Old Settlers."

Whereas serious difficulties have, for a considerable time past, existed between the different portions of the people constituting and recognized as the Cherokee Nation of Indians, which it is desirable should be speedily settled, so that peace and harmony may be restored among them; and whereas certain claim, exist on the part of the Cherokee Nation, and portions of the Cherokee people, against the United States: Therefore, with view to the final and amicable, settlement of the difficulties and claims before mentioned, it is mutually agreed by the several parties to this convention as follows, viz:

ARTICLE 1. That the lands now occupied by the Cherokee Nation shall be, secured to the whole Cherokee people for their common use and benefit; and a patent shall be issued for the same, including, the eight hundred thousand acres purchased, together with the outlet west, promised by the United States, in conformity with the provisions relating thereto, contained in the third article of the treaty of 1835, and in the third section of the act of Congress approved May twenty-eighth, 1830 which authorizes the President of the United States, in making exchanges of lands with the Indian tribes, "to assure the tribe or nation with which the exchange is made that the United States will forever secure and guarantee to them, and their heirs or successors, the country so exchanged with them; and if they prefer it that the United States will cause a patent or grant to be made and executed to them for the same: *Provided, always*, That such lands shall revert to the United States if the Indians become extinct or abandon the same."

ARTICLE 2. All difficulties and differences heretofore existing between the several parties of the Cherokee Nation are hereby settled and adjusted, and shall, as far as possible, be forgotten and forever buried in oblivion. All party distinctions shall cease, except so far as they may be necessary to carry out this convention or treaty. A general amnesty is hereby declared. All offences and crimes committed by a citizen or citizens of the Cherokee Nation against the nation, or against an individual or individuals, are hereby pardoned. All Cherokees who are now out of the nation are invited and earnestly requested to return to their homes, where they may live in peace, assured that they shall not be prosecuted for any offence heretofore committed against the Cherokee Nation, or any individual thereof. And this pardon and amnesty shall extend to all who may now be out of the nation, and who shall return thereto on or before 1st day of December next. The several parties agree to unite in enforcing the laws against all future offenders. Laws shall be passed for equal protection, and for the security of life, liberty, and property; and full authority shall be given by law, to all or any portion of the Cherokee people, peaceably to assemble and petition their own government, or the Government of the United States, for the redress of grievances, and to discuss their rights. All armed police, light horse, and other military organization, shall be abolished, and the laws enforced by the civil authority alone.

No one shall be punished for any crime or misdemeanor except on conviction by a jury of his country, and the sentence of a court duly authorized by law to take cognizance of, the offence. And it is farther agreed, all fugitives from justice, except those included in the general amnesty herein stipulated, seeking refuge in the territory of the United States, shall be delivered up by the authorities of the United States to the Cherokee Nation for trial and punishment.

ARTICLE 3. Whereas certain claims have been allowed by the several boards of commissioners heretofore appointed under the treaty of 1835, for rents, under the name, of improvements and spoliations, and for property of which the Indians were dispossessed, provided for under the 16th article of the treaty of 1835; and whereas the said claims have been paid out of the \$5,000,000 fund; and whereas said claims were not justly chargeable to that fund, but were to be paid by the United States, the said United States agree to re-imburse the said fund the amount thus charged to said fund, and the same shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty; and whereas a further amount has been allowed for reservations under the provisions of the 13th article of the treaty of 1835, by said commissioners, and has been paid out of the said fund, and which said sums were properly chargeable to, and should have been paid by, the United States, the said United States further agree to re-imburse the amounts thus paid for reservations to said fund; and whereas the expenses of making the treaty of New Echoto were also paid out of said

fund, when they should have been borne by the United States, the United States agree to re-imburse the same, and also to re-imburse all other sums paid to any agent of the government, and improperly charged to said fund; and the same also shall form a part of the aggregate amount to be distributed to the Cherokee people, as provided in the 9th article of this treaty.

ARTICLE 4. And whereas it has been decided by the board of commissioners recently appointed by the President of the United States to examine and adjust the claims and difficulties existing against and between the Cherokee people and the United States, as well as between the Cherokees themselves, that under the provisions of the treaty of 1828, as well as in conformity with the general policy of the United States in relation to the Indian tribes, and the Cherokee Nation in particular, that that portion of the Cherokee people known as the "Old Settlers," or "Western Cherokees," had no exclusive title to the territory ceded in that treaty, but that the same was intended for the use of, and to be the home for, the whole nation, including as well that portion then east as that portion then west of the Mississippi, and whereas the said board of commissioners further decided that, inasmuch as the territory before mentioned became the common property of the whole Cherokee Nation by the operation of the treaty of 1828, the Cherokees then west of the Mississippi, by the equitable operation of the same treaty, acquired a common interest in the lands occupied by the Cherokees east of the Mississippi river, as well as in those occupied by themselves west of that river, which interest should have been provided for in the treaty of 1835, but which was not, except in so far as they, as a constituent portion of the nation, retained, in proportion to their numbers, a common interest in the country west of the Mississippi, and in the general funds of the nation; and therefore they have an equitable claim upon the United States for the value of that interest, whatever it may be. Now, in order to ascertain the value of that interest, it is agreed that the following principle shall be adopted, viz: All the investments and expenditures which are properly chargeable upon the sums granted in the treaty of 1835, amounting in the whole to five millions six hundred thousand dollars, (which investments and expenditures are particularly enumerated in the 15th article of the treaty of 1835,) to be first deducted from said aggregate sum, thus ascertaining the residuum or amount which would, under such marshalling of accounts, be left for per capita distribution among the, Cherokees, emigrating under the treaty of 1835, excluding all extravagant and improper expenditures, and then allow to the Old Settlers (or Western Cherokees) a sum equal to one third part of said residuum, to be distributed per capita to each individual of said party of "Old Settlers," or "Western Cherokees." It is further agreed that, so far as the Western Cherokees are concerned. in estimating the expense of removal and subsistence of an Eastern Cherokee, to be charged to the aggregate fund of five million, six hundred thousand dollars above mentioned, the sums for removal and subsistence stipulated in the 8th article of the treaty of 1835, as commutation money in those cases in which the parties entitled to it removed themselves shall be adopted. And as it affects the settlement with the Western Cherokees, there shall be no deduction from the fund before mentioned in consideration of any payments which may hereafter be made out of said fund; and it is hereby further understood and agreed, that the principle above defined shall embrace all those Cherokees west of the Mississippi who emigrated prior to the treaty of 1835.

In the consideration of the foregoing stipulation on the part of the United States, the "Western Cherokees," or "Old Settlers," hereby release and quit-claim to the United States all right, title, interest, or claim they may have to a common property in the Cherokee lands east of the Mississippi River, and to exclusive ownership to the lands ceded to them by the treaty of 1833 west of the Mississippi, including the Outlet west, consenting and agreeing that the said lands, together with the eight hundred thousand acres ceded to the Cherokees by the treaty of 1835, shall be and remain the common property of the whole Cherokee people, themselves included.

ARTICLE 5. It is mutually agreed that the per capita allowance to be given to the "Western Cherokees," or "Old Settlers," upon the principle above stated, shall be held in trust by the Government of the United States, and paid out to each individual belonging to that party or head of family, or his legal representatives. And it is further agreed that the per capita allowance to be paid as aforesaid shall not be assignable, but shall be paid directly to the persons entitled to it, or to his heirs or legal representatives, by the agent of the United States, authorized to make such payments.

And it is further agreed that a committee of five persons shall be appointed by the President of the United States, from the party of "Old Settlers," whose duty it shall be, in conjunction with an agent of the United States, to ascertain what persons are entitled to the per capita allowance provided for in this and the preceding article.

ARTICLE 6. And whereas many of that portion of the Cherokee people known and designated as the "Treaty Party" have suffered losses and incurred expenses in consequence of the treaty of 1835; therefore, to indemnify the treaty party, the United States agree to pay to the said treaty party the sum of one hundred and fifteen thousand dollars, of which the sum of five thousand dollars shall be paid by the United States to the heirs or legal representatives of Major Ridge, the sum of five thousand dollars to the heirs or legal representatives of John Ridge, and the sum of five thousand dollars to the heirs or legal representatives of Elias Boudinot, and the balance, being the sum of one hundred thousand dollars, which shall be

paid by the United States, in such amounts and to such persons as may be certified by a committee to be appointed by the treaty party, and which committee shall consist of not exceeding five persons and approved by an agent of the United States, to be entitled to receive the same for losses and damages sustained by them, or by those of whom they are, the heirs or legal representatives: *Provided*, That out of the said balance of one hundred thousand dollars, the present delegation of the treaty party may receive the sum of twenty-five thousand dollars, to be by them applied to the payment of claims and other expenses. And it is further provided that, if the said sum of one hundred thousand dollars should not be sufficient to pay all the claims allowed for losses and damages, that then the same shall be paid to the said claim ants *pro rata*, and which payments shall be in full of all claims and losses of the said treaty party.

ARTICLE 7. The value of all salines which were the private property of individuals of the Western Cherokees, and of which they were dispossessed, provided there be any such, shall be as certained by the United States agent, and a commissioner to be appointed by the Cherokee authorites; and, should they be unable to agree, they shall select in umpire whose decision shall be final, and the several amounts found due-shall be paid by the Cherokee Nation., or the salines returned to their respective owners.

ARTICLE 8. The United States agree to pay to the Cherokee Nation the sum of two thousand dollars for a printing-press, materials, and other property destroyed at that time; the sum of five thousand dollars to be equally divided among all those whose arms were taken from them previous to their removal West by order of an officer of the United States; and the further sum of twenty thousand dollars, in lieu of all claims of the Cherokee Nation, as a nation, prior to the treaty of 1835, except all lands reserved, by treaties heretofore made, for school funds.

ARTICLE 9. The United States agree to make a fair and just settlement of all moneys due to the Cherokees, and subject to the *per capita* division under the treaty of 29th December, 1835, which said settlement shall exhibit all money properly expended under said treaty, and shall embrace all sums paid for improvements, ferries, spoliations, removal, and subsistence, and commutation, therefor, debts and claims upon the Cherokee Nation of Indians, for the additional quantity of land ceded to said nation; and the several sums provided in the several articles of the treaty, to be invested as the general funds of the nation; and also all sums which may be hereafter properly allowed and paid under the provisions of the treaty of 1835. The aggregate of which said several sums shall be deducted from the sum of six millions six hundred and forty-seven thousand and sixty-seven dollars, and the balance thus found to be due shall be paid over, *per capita*, in equal amounts, to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835, and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto.

ARTICLE 10. It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi River had, or may have, under the treaty of 1835 and the supplement thereto.

ARTICLE 11. Whereas the Cherokee delegations contend that the amount expended for the one year's subsistence, after their arrival in the west, of the Eastern Cherokees, is not properly chargeable to the treaty fund; it is hereby agreed that that question shall be submitted to the Senate of the United States for its decision, which shall decide whether the subsistence shall be borne by the United States or the Cherokee funds, and if by the Cherokees, then to say whether the subsistence shall be charged at a greater rate than thirty-three dollars per head; and also the question, whether the subsistence Nation shall be allowed interest on whatever sum may be found to be due the nation, and from what date and at what rate per annum.

ARTICLE 12. (a.) The Western Cherokees, called "Old Settlers," in assenting to the general provisions of this treaty in behalf of their people, have expressed their fixed opinion that, in making a settlement with them upon the basis herein established, the expenses incurred for the removal and subsistence of Cherokees, after the twenty-third day of May, 1838, should not be charged upon the five millions of dollars allowed to the Cherokees for their lands under the treaty of 1835, or or on the fund provided by the third article of the supplement thereto, and that no part of the spoliations, subsistence, or removal, provided for by the several articles of said treaty and the supplement thereto, should be charged against them in their settlement for their interest in the Cherokee country east and west of the Mississippi River. And the delegation of the "Old Settlers," or "Westem Cherokees," propose that the question shall be submitted with this treaty to the decision of the "Old Settlers," or "Westem Cherokees," propose that the question shall be submitted with this treaty to the decision of the Senate of the United States, of what portion, if any, of the expenditures made for removal, subsistence, and spoliations under the treaty of 1835, is properly and legally chargeable to the five-million fund. And they will abide by the decision of the Senate.

ARTICLE 13. This treaty, after the same shall be ratified by the President and Senate of the United States, shall be





at the Yale Law

School Balfour Declaration 1917

November 2nd, 1917

Dear Lord Rothschild,

I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet.

"His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

Yours sincerely,

Arthur James Balfour

20 th Century Page	Middle East Page	Avalon Home Page
-------------------------------	------------------	------------------

The Avalon Project: Balfour Declaration November 2, 1917 is located at: http://www.yale.edu/lawweb/avalon/balfour.htm;

This document was last updated on: 06/14/2001 13:41:00

© 1996-2001 The Avalon Project at the Yale Law School. The Lillian Goldman Law Library in Memory of Sol Goldman.



United Nations Security Council Resolution 242

NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

Affirms that the fulfillment of **Charter** principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

Affirms further the necessity

For guaranteeing freedom of navigation through international waterways in the area;

For achieving a just settlement of the refugee problem;

For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

Requests the Secretary General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.



© 1996 The Avalon Project. William C. Fray and Lisa A. Spar, Co-Directors. The Avalon Project: United Nations Security Council Resolution 242 was last modified on: 06/14/2001 13:50:13

Institute for Palestine Studies Washington, D.C.,

The Paleshinian Israeli Peace Agreement, A Documentary

Read, 1954.

Document B.1.

on Interim Self-Government Arrangements, Washington, D.C., 13 September 1993 Declaration of Principles

The Government of the State of Israel and the P.L.O. team (in the Jordanianend to decades of confrontation and conflict, recognize their mutual legitimate historic reconciliation through the agreed political process. Accordingly, the two Palestinian delegation to the Middle East Peace Conference) (the "Palestinian delegation"), representing the Palestinian people, agree that it is time to put an and political rights, and strive to live in peaceful coexistence and mutual dignity and security and achieve a just, lasting and comprehensive peace settlement and sides agree to the following principles:

Aim of the Negotiations

peace process is, among other things, to establish a Palestinian Interim Self-Government Authority, the elected Council, (the "Council") for the Palestinian The aim of the Israeli-Palestinian negotiations within the current Middle East ing five years, leading to a permanent settlement based on Security Council people in the West Bank and the Gaza Strip, for a transitional period not exceed-Resolutions 242 and 338.

It is understood that the interim arrangements are an integral part of the whole peace process and that the negotiations on the permanent status will lead to the implementation of Security Council Resolutions 242 and 338.

ARTICLE II

Framework for the Interim Period

The agreed framework for the interim period is set forth in this Declaration of Principles.

ARTICLE III

Elections

- govern themselves according to democratic principles direct, free and general political elections will be held for the Council under agreed supervision and 1. In order that the Palestinian people in the West Bank and Gaza Strip may international observation, while the Palestinian police will insure public order.
 - elections in accordance with the protocol attached as Annex 1, with the goal of 2. An agreement will be concluded on the exact mode and conditions of the holding the elections not later than nine months after the entry into force of this Declaration of Principles.

THE PALESTINIAN-ISRAELI PEACE AGREEMENT

3. These elections will constitute a significant interim preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements.

ARTICLE IV

Jurisdiction

two sides view the West Bank and Gaza Strip as a single territorial unit whose except for issues that will be negotiated in the permanent status negotiations. The Jurisdiction of the Council will cover West Bank and Gaza Strip territory, integrity will be preserved during the interim period.

ARTICLE V

Fransitional Period and Permanent Status Negotiations

1. The five-year transitional period will begin upon the withdrawal from the Gaza Strip and Jericho area.

42. Permanent statue negotiations will commence as soon as possible, but not later than the beginning of the third year of the interim period between the Government of Israel and the Palestinian people representatives.

including: Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other neighbors, and other issues of common 3. It is understood that these negotiations shall cover remaining issues,

4. The two parties agree that the outcome of the permanent status negotiations should not be prejudiced or preempted by agreements reached for the interim

period.

ARTICLE VI

1. Upon the entry into force of this Declaration of Principles and the the Israeli military government and its Civil Administration to the authorized Palestinians for this task as detailed herein, will commence. This transfer of withdrawal from the Gaza Strip and the Jericho area, a transfer of authority from Preparatory Transfer of Powers and Responsibilities

2. Immediately after the entry into force of this Declaration of Principles and the withdrawal from the Gaza Strip and Jericho area, with the view to promoting ferred to the Palestinians on the following spheres: education and culture, health, and social welfare, direct taxation and tourism. The Palestinian side will commence in building the Palestinian police force, as agreed upon. Pending the economic development in the West Bank and Gaza Strip, authority will be transauthority will be of preparatory nature until the inauguration of the Council.

THE OSLO AGREEMENT AND THE WASHINGTON, D.C. CEREMONY

nauguration of the Council, the two parties may negotiate the transfer of additional powers and responsibilities, as agreed upon.

ARTICLE VII

nterim Agreement

1. The Israeli and Palestinian delegations will negotiate an agreement on the interim period (the "Interim Agreement").

2. The Interim Agreement shall specify, among other things, the structure of the Council, the number of its members, and the transfer of powers and responsibilities from the Israeli military government and its Civil Administration to the Council. The Interim Agreement shall also specify the Council's executive authority, legislative authority in accordance with Article IX below, and the independent Palestinian judicial organs.

upon the inauguration of the Council, for the assumption by the Council of all 3. The Interim Agreement shall include arrangements, to be implemented of the powers and responsibilities transferred previously in accordance with Article VI above.

4. In order to enable the Council to promote economic growth, upon its inauguration, the Council will establish, among other things, a Palestinian Bank a Palestinian Export Promotion Board, a Palestinian Environmental Authority, a Palestinian Land Authority and a Palestinian Water Administration Authority, and any other authorities agreed upon, in accordance with the Interim Electricity Authority, a Gaza Sea Port Authority, a Palestinian Development Agreement that will specify their powers and responsibilities.

5. After the inauguration of the Council, the Civil Administration will be dissolved, and the Israeli military government will be withdrawn.

ARTICLE VIII

Public Order and Security

In order to guarantee public order and internal security for the Palestinians of the West Bank and the Gaza Strip, the Council will establish a strong police force, while Israel will continue to carry the responsibility for defending against external threats, as well as the responsibility for overall security of Israelis for the purpose of safeguarding their internal security and public order.

ARTICLE IX

Laws and Military Orders

1. The Council will be empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it. 119

2. Both parties will review jointly laws and military orders presently in force in remaining spheres.

ARTICLE X

Joint Israeli-Palestinian Liaison Committee

entry into force of this Declaration of Principles, a Joint Israeli-Palestinian Liaison Committee will be established in order to deal with issues requiring ciples and any subsequent agreements pertaining to the interim period, upon the In order to provide for a smooth implementation of this Declaration of Princoordination, other issues of common interest, and disputes.

ARTICLE XI

Israeli-Palestinian Cooperation in Economic Fields

of the West Bank the Gaza Strip and Israel, upon the entry into force of this Declaration of Principles, an Israeli-Palestinian Economic Cooperation Committee will be established in order to develop and implement in a cooperative manner the programs identified in the protocols attached as Annex III and Annex IV. Recognizing the mutual benefit of cooperation in promoting the development

ARTICLE XII

Liaison and Cooperation with Jordan and Egypt

Government of Israel and the Palestinian representatives, on one hand, and the Governments of Jordan and Egypt, on the other hand, to promote Cooperation Committee that will decide by agreement on the modalities of admission of The two parties will invite the Governments of Jordan and Egypt to participate in establishing further liaison and cooperation arrangements between the between them. These arrangements will include the constitution of a Continuing persons displaced from the West Bank and Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern will be dealt with by this Committee.

ARTICLE XIII

Redeployment of Israeli Forces

- 1. After the entry into force of this Declaration of Principles, and not later than the eve of elections for the Council, a redeployment of Israeli military forces in the West Bank and the Gaza Strip will take place, in addition to withdrawal of Israeli forces carried out in accordance with Article XIV.
- 2. In redeploying its military forces, Israel will be guided by the principle that its military forces should be redeployed outside populated areas.

THE OSLO AGREEMENT AND THE WASHINGTON, D.C. CEREMONY

3. Further redeployments to specified locations will be gradually implemented commensurate with the assumption of responsibility for public order and internal security by the Palestinian police force pursuant to Article VIII above.

ARTICLE XIV

Israeli Withdrawal from the Gaza Strip and Jericho Area

Israel will withdraw from the Gaza Strip and Jericho area, as detailed in the protocol attached as Annex II.

ARTICLE XV

Resolution of Disputes

- 1. Disputes arising out of the application or interpretation of this Declaration of Principles or any subsequent agreements pertaining to the interim period, shall be resolved by negotiations through the Joint Liaison Committee to be established pursuant to Article X above.
- 2. Disputes which cannot be settled by negotiations may be resolved by a mechanism of conciliation to be agreed upon by the parties.
- 3. The parties may agree to submit to arbitration disputes relating to the interim period, which cannot be settled through reconciliation. To this end, upon he agreement of both parties, the parties will establish an Arbitration Committee.

ARTICLE XVI

Israeli-Palestinian Cooperation Concerning Regional Programs

Both parties view the multilateral working grow as an appropriate instrument for promoting a "Marshall Plan," the regional programs and other programs, including special programs for the West Bank and Gaza Strip, as indicated in the protocol attached as Annex IV.

ARTICLE XVII

Miscellaneous Provisions

- 1. This Declaration of Principles will enter into force one month after its
 - 2. All protocols annexed to this Declaration of Principles and Agreed Minutes pertaining thereto shall be regarded as an integral part hereof.

ANNEX I

Protocol on the Mode and Conditions of Elections

1. Palestinians of Jerusalem who live there will have the right to participate in the election process, according to an agreement between the two sides.

- 2. In addition, the election agreement should cover, among other things, the following issues:
- a. the system of elections;
- b. the mode of the agreed supervision and international observation and their personal composition; and
- c. rules and regulations regarding election campaign; including agreed arrangements for the organizing of mass media, and the possibility of licensing a broadcasting and TV situation.
- 3. The future status of displaced Palestinians who were registered on 4th June 1967 will not be prejudiced because they are unable to participate in the election process due to practical reasons.

ANNEX II

Protocol on Withdrawal of Israeli Forces from the Gaza Strip and Jericho Area

- 1. The two sides will conclude and sign within two months from the date of entry into force of this Declaration of Principles, an agreement on the withdrawal of Israeli military forces from the Gaza Strip and Jericho area. This agreement will include comprehensive arrangements to apply in the Gaza Strip and the Jericho area subsequent to the Israeli withdrawal.
- 2. Israel will implement an accelerated and scheduled withdrawal of Israeli military forces from the Gaza Strip and Jericho area, beginning immediately with the signing of the agreement on the Gaza Strip and Jericho area and to be completed within a period not exceeding four months after the signing of this agreement.
 - 3. The above agreement will include, among other things:
- a. Arrangements for a smooth and peaceful transfer of authority from the Israeli military government and its civil Administration to the Palestinian representatives.
- b. Structure, powers and responsibilities of the Palestinian authority in these areas except external security, settlements, Israelis, foreign relations, and other mutually agreed matters.
- c. Arrangements for the assumption of internal security and public order by the Palestinian police force consisting of police officers recruited locally and from abroad (holding Jordanian passports and Palestinian documents issued by Egypt). Those who will participate in the Palestinian police force coming from abroad should be trained as police and police officers.

- d. A temporary international or foreign presence, as agreed upon.
- e. Establishment of a joint Palestinian Israeli Coordination and Cooperation Committee for mutual security purposes.
 - f. An economic development and stabilization program, including the establishment if an Emergency Fund, to encourage foreign investment and financial and economic support. Both sides will coordinate and cooperate jointly and unitaterally with regional and international parties to support these aims.
- g. Arrangements for a safe passage for persons and transportation between the Gaza Strip and Jericho area.
- 4. The above agreement will include arrangements for coordination between both parties regarding passages:
- a. Gaza-Egypt
- b. Jericho—Jordan.
- 5. The offices responsible for carrying out the powers and responsibilities of the Palestinian authority under this Annex II and Articles VI of the Declaration of Principles will be located in the Gaza Strip and in the Jericho area pending the inauguration of the Council.
- 6. Other than these agreed arrangements, the status of the Gaza Strip and Jericho area will continue to be an integral part of the West Bank and Gaza Strip, and will not be changed in the interim period.

ANNEX III

Protocol on Israeli-Palestinian Cooperation in Economic and Development Programs

The two sides agree to establish an Israeli-Palestinian Continuing Committee for Economic Cooperation, focusing, among other things, on the following:

- 1. Cooperation in the field of water, including a Water Development Program prepared by experts from both sides, which will also specify the mode of cooperation in the management of water resources in the West Bank and Gaza Strip, and will include proposals for studies and plans on water rights of each parry, as well as on the equitable utilization of joint water resources for implementation in and beyond the interim period.
- 2. Cooperation in the field of electricity, including an Electricity Development Program, which will also specify the mode of cooperation for the production, maintenance, purchase and sale of electricity resources.

123

3. Cooperation in the field of energy, including an Energy Development Program, which will provide for the exploitation of oil and gas for industrial purposes, particularly in the Gaza Strip and in the Negev, and will encourage further joint exploitation of other energy resources. This program may also provide for the construction of a petrochemical industrial complex in the Gaza Strip and the construction of oil and gas pipelines.

4. Cooperation in the field of finance, including a Financial Development and Action Program for the encouragement of international investment in the West Bank and the Gaza Strip, and in Israel, as well as the establishment of a Palestinian Development Bank.

5. Cooperation in the field of transport and communications, including a program, which will define guidelines for the establishment of a Gaza Sea Port Area, and will provide for the establishing of transport and communications lines to and from the West Bank and the Gaza Strip to Israel and to other countries. It addition, this program will provide for carrying out the necessary construction of roads, railways, communications lines, etc.

6. Cooperation in the field of trade, including studies, and Trade Promotion Programs, which will encourage local, regional and inter-regional trade, as well as a feasibility study of creating free trade zones in the Gaza Strip and in Israel, mutual access to these zones, and cooperation in other areas related to trade and commerce.

7. Cooperation in the field of industry, including Industrial Development Programs which will provide for the establishment of joint Israeli-Palestinian Industrial Research and Development Centers, will promote Palestinian-Israeli joint ventures, and provide guidelines for cooperation in the textile' food, pharmaceutical, electronics, diamonds, computer and science-based industries.

 A program for cooperation in, and regulation of, labor relations and cooperation in social welfare issues. 9. A Human Resources Development and Cooperation Plan, providing for joint Israel-Palestinian workshops and seminars, and for the establishment of joint vocational training centers, research institutes and data banks.

10. An Environmental Protection Plan, providing for joint and/or coordinated measures in this sphere.

11. A program for developing coordination and cooperation in the field of communication and media.

12. Any other programs of mutual interest.

ANNEX IV

Protocol on Israeli-Palestinian Cooperation Concerning Regional Development Programs

1. The two sides will cooperate in the context of the multilateral peace efforts in promoting a development program for the region, including the West Bank and the Gaza Strip, to be initiated by the G-7. The parties will request the G-7 to seek the participation in this program of other interested states, such as members of the Organization for Economic Cooperation and Development, regional Arab states and institutions, as well as members of the private sector.

2. The Development Program will consist of two elements:

a. an Economic Development Program for the West Bank and the

b. a Regional Economic Development Program

A. The Economic Development Program for the West Bank and the Gaza Strip will consist of the following elements:

1. A social Rehabilitation Program, including a Housing and Construction Program.

2. A Small and Medium Business Development Plan.

3. An Infrastructure Development Program (water, electricity, transportation and communications, etc.).

4. A Human Resources Plan.

5. Other programs.

B. The Regional Economic Development Program may consist of the following elements:

1. The establishment of a Middle East Development Fund, as a first step, and a Middle East Development Bank as a second step.

2. The development of a joint Israeli-Palestinian-Jordanian Plan for coordinated exploitation of the Dead Sea area.

3. The Mediterranean Sea (Gaza)-Dead Sea Canal.

4. Regional Desalinization and other water development projects.

5. A regional plan for agricultural development, including a coordinated regional effort for the prevention of decertification.

6. Interconnection of electricity grids.

- 7. Regional cooperation for the transfer, distribution and industrial exploitation of gas, oil and other energy resources.

- 8. A Regional Tourism, Transportation and Telecommunications Development
- 9. Regional cooperation in other spheres.
- coordinate towards its success. The two parties will encourage inter-sessional activities, as well as prefeasibility and feasibility studies, within the various C. The two sides will encourage the multilateral working groups, and will multilateral working groups.

AGREED MINUTES TO THE DECLARATION OF PRINCIPLES ON INTERIM SELF-GOVERNMENT ARRANGEMENTS

A. General Understandings and Agreements

Declaration of Principles prior to the inauguration of the Council will be subject to the same principles pertaining to Article IV, as set out in these Agreed Any powers and responsibilities transferred to the Palestinians pursuant to the Minutes below.

B. Specific Understandings and Agreements

ARTICLE IV

It is understood that:

- 1. Jurisdiction of the Council will cover West Bank and Gaza Strip territory, except for issues that will be negotiated in the permanent status negotiations: Jerusalem, settlements, military locations, and Israelis.
 - 2. The Council's jurisdiction will apply with regard to the agreed powers, responsibilities, spheres and authorities transferred to it.

It is agreed that the transfer of authority will be as follows:

- 1. The Palestinian side will inform the Israeli side of the names of the ties that will be transferred to the Palestinians according to the Declaration of authorized Palestinians who will assume the powers, authorities and responsibili-Principles in the following fields: education and culture, health, social welfare, direct taxation, tourism and any other authorities agreed upon.
- 2. It is understood that the rights and obligations of these offices will not be
- 3. Each of the spheres described above will continue to enjoy existing budgetary allocations in accordance with arrangements to be mutually agreed

upon. These arrangements also will provide for the necessary adjustments required in order to take into account the taxes collected by the direct taxation

plan for the transfer of authority on the above offices in accordance with the 4. Upon the execution of the Declaration of Principles, the Israeli and Palestinian delegations will immediately commence negotiations on a detailed above understandings.

ARTICLE VII(2)

The Interim Agreement will also include arrangements for coordination and cooperation.

ARTICLE VII(5)

The withdrawal of the military government will not prevent Israel from exercising the powers and responsibilities not transferred to the Council.

ARTICLE VIII

will be accomplished in a phased manner as agreed in the Interim Agreement. It is understood that the Interim Agreement will include arrangements for cooperation and coordination between the two parties in this regard. It is also agreed that the transfer of powers and responsibilities to the Palestinian police

designated by them as members of the Joint Israeli-Palestinian Liaison It is agreed that, upon the entry into force of the Declaration of Principles, the Israeli and Palestinian delegations will exchange the names of the individuals

It is further agreed that each side will have an equal number of members in The Joint Committee may add other technicians and experts, as necessary. The Joint Committee will decide on the frequency and place or places of its meetings. the Joint Committee. The Joint Committee will reach decisions by agreement.

It is understood that, subsequent to the Israeli withdrawal Israel will continue of settlements and Israelis. Israeli military forces and civilians may continue to to be responsible for external security, and for internal security and public order use roads frequently within the Gaza Strip and the Jericho area.

127



The Wye River Memorandum; October 23, 1998

THE WHITE HOUSE

Office of the Press Secretary

The following are steps to facilitate implementation of the Interim Agreement on the West Bank and Gaza Strip of September 28, 1995 (the "Interim Agreement") and other related agreements including the Note for the Record of January 17, 1997 (hereinafter referred to as "the prior agreements") so that the Israeli and Palestinian sides can more effectively carry out their reciprocal responsibilities, including those relating to further redeployments and security respectively. These steps are to be carried out in a parallel phased approach in accordance with this Memorandum and the attached time line. They are subject to the relevant terms and conditions of the prior agreements and do not supersede their other requirements.

I. Further Redeployments

A. Phase One and Two Further Redeployments

1. Pursuant to the Interim Agreement and subsequent agreements, the Israeli side's implementation of the first and second F.R.D. will consist of the transfer to the Palestinian side of 13% from Area C as follows:

1% to Area (A) 12% to Area (B)

The Palestinian side has informed that it will allocate an area/areas amounting to 3% from the above Area (B) to be designated as Green Areas and/or Nature Reserves. The Palestinian side has further informed that they will act according to the established scientific standards, and that therefore there will be no changes in the status of these areas, without prejudice to the rights of the existing inhabitants in these areas including Bedouins; while these standards do not allow new construction in these areas, existing roads

and buildings may be maintained.

The Israeli side will retain in these Green Areas/Nature Reserves the overriding security responsibility for the purpose of protecting Israelis and confronting the threat of terrorism. Activities and movements of the Palestinian Police forces may be carried out after coordination and confirmation; the Israeli side will respond to such requests expeditiously.

2. As part of the foregoing implementation of the first and second F.R.D., 14.2% from Area (B) will become Area (A).

B. Third Phase of Further Redeployments

With regard to the terms of the Interim Agreement and of Secretary Christopher's letters to the two sides of January 17, 1997 relating to the further redeployment process, there will be a committee to address this question. The United States will be briefed regularly.

II. Security

In the provisions on security arrangements of the Interim Agreement, the Palestinian side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Israeli side, against individuals falling under the Israeli side's authority and against their property, just as the Israeli side agreed to take all measures necessary in order to prevent acts of terrorism, crime and hostilities directed against the Palestinian side, against individuals falling under the Palestinian side's authority and against their property. The two sides also agreed to take legal measures against offenders within their jurisdiction and to prevent incitement against each other by any organizations, groups or individuals within their jurisdiction.

Both sides recognize that it is in their vital interests to combat terrorism and fight violence in accordance with Annex I of the Interim Agreement and the Note for the Record. They also recognize that the struggle against terror and violence must be comprehensive in that it deals with terrorists, the terror support structure, and the environment conducive to the support of terror. It must be continuous and constant over a long-term, in that there can be no pauses in the work against terrorists and their structure. It must be cooperative in that no effort can be fully effective without Israeli-Palestinian cooperation and the continuous exchange of information, concepts, and actions.

Pursuant to the prior agreements, the Palestinian side's implementation of

its responsibilities for security, security cooperation, and other issues will be as detailed below during the time periods specified in the attached time line:

A. Security Actions

- 1. Outlawing and Combating Terrorist Organizations
- (a) The Palestinian side will make known its policy of zero tolerance for terror and violence against both sides.
- (b) A work plan developed by the Palestinian side will be shared with the U.S. and thereafter implementation will begin immediately to ensure the systematic and effective combat of terrorist organizations and their infrastructure.
- (c) In addition to the bilateral Israeli-Palestinian security cooperation, a U.S.-Palestinian committee will meet biweekly to review the steps being taken to eliminate terrorists calls and the support structure that plans, finances, supplies and abets terror. In these meetings, the Palestinian side will inform the U.S. fully of the actions it has taken to outlaw all organizations (or wings of organizations, as appropriate) of a military, terrorist or violent character and their support structure and to prevent them from operating in area under its jurisdiction.
- (d) The Palestinian side will apprehend the specific individuals suspected of perpetrating acts of violence and terror for the purpose of further investigation, and prosecution and punishment of all persons involved in acts of violence and terror.
- (e) A U.S.-Palestinian committee will meet to review and evaluate information pertinent to the decisions on prosecution, punishment or other legal measures which affect the status of individuals suspected of abetting or perpetrating acts of violence and terror.

2. Prohibiting Illegal Weapons

- (a) The Palestinian side will ensure an effective legal framework is in place to criminalize, in conformity with the prior agreements, any importation, manufacturing or unlicensed sale, acquisition or possession of firearms, ammunition or weapons in areas under Palestinian jurisdiction.
- (b) In addition, the Palestinian side will establish and vigorously and continuously implement a systematic program for the collection and nttp://www.yaie.edu/iawweb/avaion/mideast/wyeriv.ntm 23/03/22

appropriate handling of all such illegal items it accordance with the prior agreements. The U.S. has agreed to assist in carrying out this program.

(c) A U.S.-Palestinian-Israeli committee will be established to assist and enhance cooperation in preventing the smuggling or other unauthorized introduction of weapons or explosive materials into areas under Palestinian jurisdiction.

3. Prevention Incitement

- (a) Drawing on relevant international practice and pursuant to Article XXII (1) of the Interim Agreement and the Note for the Record, the Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror, and establishing mechanisms for acting systematically against all expressions or threats of violence or terror. This decree will be comparable to the existing Israeli legislation which deals with the same subject.
- (b) A U.S.-Palestinian-Israeli committee will meet on a regular basis to monitor cases of possible incitement to violence or terror and to make recommendations and reports on how to prevent such incitement. The Israeli, Palestinian and U.S. sides will each appoint a media, specialist, a law enforcement representative, an educational specialist and a current or former elected official to the committee.

B. Security Cooperation

The two sides agree that their security cooperation will be based on a spirit of partnership and will include, among other things, the following steps:

1. Bilateral Cooperation

There will be full bilateral security cooperation between the two sides which will be continuous, intensive and comprehensive.

2. Forensic Cooperation

There will be an exchange of forensic expertise, training, and other assistance.

3. Trilateral Committee

In addition to the bilateral Israeli-Palestinian security cooperation, a nttp://www.yale.edu/lawweb/avalon/mideast/wyeriv.ntm 23/03/22

high-ranking U.S.-Palestinian-Israeli committee will meet as required and not less than biweekly to assess current threats, deal with any impediments to effective security cooperation and coordination and address the steps being taken to combat terror and terrorist organizations. The committee will also serve as a forum to address the issue of external support for terror. In these meetings, the Palestinian side will fully inform the members of the committee of the results of its investigations concerning terrorist suspects already in custody and the participants will exchange additional relevant information. The committee will report regularly to the leaders of the two sides on the status of cooperation, the results of the meetings and its recommendations.

C. Other Issues

- (a) The Palestinian side will provide a list of its policemen to the Israeli side in conformity with the prior agreements.
- (b) Should the Palestinian side request technical assistance, the U.S. has indicated its willingness to help meet those needs in cooperation with other donors.
- (c) The Monitoring and Steering Committee will, as part of its functions, monitor the implementation of this provision and brief the U.S.

2. PLO Charter

The Executive Committee of the Palestine Liberation Organization and the Palestinian Central Council will reaffirm the letter of 22 January 1998 from PLO Chairman Yasir Arafat to President Clinton concerning the nullification of the Palestinian National Charter provisions that are inconsistent with the letters exchanged between the PLO and the Government of Israel on 9-10 September 1993. PLO Chairman Arafat, the Speaker of the Palestine National Council, and the Speaker of the Palestinian Council will invite the members of the PNC, as well as the members of the Central Council, the Council, and the Palestinian Heads of Ministries to a meeting to be addressed by President Clinton to reaffirm their support for the peace process and the aforementioned decisions of the Executive Committee and the Central Council.

3. Legal Assistance in Criminal Matters

Among other forms of legal assistance in criminal matters, the requests for arrest and transfer of suspects and defendants pursuant to Article II (7) of

Annex IV of the Interim Agreement will be submitted (or resubmitted) through the mechanism of the Joint Israeli-Palestinian Legal Committee and will be responded to in conformity with Article II (7) (f) of Annex IV of the Interim Agreement within the 12 week period. Requests submitted after the eighth week will be responded to in conformity with Article II (7) (f) within four weeks of their submission. The United States has been requested by the sides to report on a regular basis on the stops being taken to respond to the above requests.

4. Human Rights and the Rule of Law

Pursuant to Article XI (1) of Annex I of the Interim Agreement, and without derogating from the above, the Palestinian Police will exercise powers and responsibilities to implement this Memorandum with due regard to internationally accepted norms of human rights and the rule of law, and will be guided by the need to protect the public, respect human dignity, and avoid harassment.

III. Interim Committees And Economic Issues

- 1. The Israeli and Palestinian sides reaffirm their commitment to enhancing their relationship and agree on the need actively to promote economic development in the West Bank and Gaza. In this regard, the parties agree to continue or to reactivate all standing committees established by the Interim Agreement, including the Monitoring and Steering Committee, the Joint Economic Committee (JEC), the Civil Affairs Committee (CAC), the Legal Committee, and the Standing Cooperation Committee.
- 2. The Israeli and Palestinian sides have agreed on arrangements which will permit the timely opening of the Gaza Industrial Estate. They also have concluded a "Protocol Regarding the Establishment and Operation of the International Airport in the Gaza Strip During the Interim Period."
- 3. Both sides will renew negotiations on Safe Passage immediately. As regards the southern route, the sides will make best efforts to conclude the agreement within a week of the entry into force of this Memorandum. Operation of the southern route will start as soon as possible thereafter. As regards the northern route, negotiations will continue with the goal of reaching agreement as soon as possible. Implementation will take place expeditiously thereafter.
- 4. The Israeli and Palestinian sides acknowledge the great importance of nttp://www.yaie.edu/iawweb/avaion/mideast/wyeriv.ntm 23/03/22

the Port of Gaza for the development of the Palestinian economy, and the expansion of Palestinian trade. They commit themselves to proceeding without delay to conclude an agreement to allow the construction and operation of the port in accordance with the prior agreements. The Israeli-Palestinian Committee will reactivate its work immediately with a goal of concluding the protocol within 60 days, which will allow commencement of the construction of the port.

- 5. The two sides recognize that unresolved legal issues adversely affect the relationship between the two peoples. They therefore will accelerate efforts through the Legal Committee to address outstanding legal issues and to implement solutions to these issues in the shortest possible period. The Palestinian side will provide to the Israeli side copies of all of its laws in effect.
- 6. The Israeli and Palestinian sides also will launch a strategic economic dialogue to enhance their economic relationship. They will establish within the framework of the JEC an Ad Hoc Committee for this purpose. The committee will review the following four issues: (1) Israeli purchase taxes; (2) cooperation in combating vehicle theft; (3) dealing with unpaid Palestinian debts; and (4) the impact of Israeli standards as barriers to trade and the expansion of the A1 and A2 lists. The committee will submit an interim report within three weeks of the entry into force of this Memorandum, and within six weeks will submit its conclusions and recommendations to be implemented.
- 7. The two sides agree on the importance of continued international donor assistance to facilitate implementation by both sides of agreements reached. They also recognize the need for enhanced donor support for economic development in the West Bank and Gaza. They agree to jointly approach the donor community to organize a Ministerial Conference before the end of 1998 to seek pledges for enhanced levels of assistance.

IV. Permanent Status Negotiations

The two sides will immediately resume permanent status negotiations on an accelerated basis and will make a determined effort to achieve the mutual goal of reaching an agreement by May 4, 1999. The negotiations will be continuous and without interruption. The United States has expressed its willingness to facilitate these negotiations.

V. Unilateral Actions

Recognizing the necessity to create a positive environment for the negotiations, neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip in accordance with the Interim Agreement.

ATTACHMENT: Time Line

This Memorandum will enter into force ten days from the date of signature.

Done at Washington, DC this 23rd day of October 1998.

For the Government of the State of Israel

For the PLO

Witnessed by: The United States of America

TIME LINE

Note: Parenthetical references below are to paragraphs in "The Wye River Memorandum" to which this time line is an integral attachment. Topics not included in the time line follow the schedule provided for in the text of the memorandum.

- 1. Upon Entry into Force of the Memorandum:
- -- Third further redeployment committee starts (I (B))
- --Palestinian security work plan shared with the U.S. (II (A)(1)(b))
- --Full bilateral security cooperation (II (B)(1))
- --Trilateral security cooperation committee starts (II (B)(3))
- --Interim committees resume and continue; Ad Hoc Economic Committee starts (III)
- --Accelerated permanent status negotiations start (IV)
- 2. Entry into Force--Week 2:
- --Security work plan implementation begins (II (A)(1)(b)); (II (A)(1)(c)) committee
- -- Illegal weapons framework in place (II (A)(2)(a)); Palestinian implementation report (II (A)(2)(b);
- --Anti-incitement committee starts (II (A)(3)(b)); decree issued (II (A)(3)(a))
- -- PLO Executive Committee reaffirms Charter letter (II (C)(2))
- --Stage 1 of F.R.D. implementation: 2% C to B, 7.1% B to A. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I(A))
- 3. Week 2-6:

- -- Palestinian Central Council reaffirms Charter letter (weeks two to four) (II (C)(2))
- -- PNC and other PLO organizations reaffirm Charter letter (weeks four to six) (II (C) (2))
- --Establishment of weapons collection program (II (A)(2)(b)) and collection stage (II (A)(2)(c)); committee starts and reports an activities
- --Anti-incitement committee report (II (A)(3)(b))
- --Ad Hoc Economic Committee: interim report at week three; final report at week six
- --Policemen list (II (C)(1)(a)), Monitoring and Steering Committee review starts (II (C)(1)(c)
- --Stage 2 of F.R.D. implementation: 5% C to B. Israeli officials acquaint their Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

4. Week 6-12:

- --Weapons collection stage (II (A)(2)(b)); (II (A)(2)(c)) committee report on its activities.
- --Anti-Incitement committees report (II (A)(3)(b))
- -- Monitoring and Steering Committee briefs U.S. on policemen list (II (C)(1)(c))
- -- Stage 3 of F.R.D. implementation: 5% C to B, 1% C to A, 7.1% B to A -- Israeli officials acquaint Palestinian counterparts as required with areas; F.R.D. carried out; report on F.R.D. implementation (I (A))

5. After Week 12:

Activities described in the Memorandum continue as appropriate and if necessary, including;

- --Trilateral security cooperation committee (II (B)(3))
- --(II(A)(1)(c)) committee
- --(II (A)(1)(e)) committee
- --Anti-incitement committee (II (A)(3)(b))
- -- Third Phase F.R.D. Committee (I (B))
- --Interim Committees (III)
- --Accelerated permanent status negotiations (IV)



© 1998 The Avalon Project. William C. Fray and Lisa A. Spar, Co-Directors. The Avalon Project: The Wye River Memorandum; October 23, 1998 was last modified on: 06/14/2001 13:44:42