

Is Israel an Apartheid State?

Written by Quraysha Ismail Sooliman

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QURAYSHA ISMAIL SOOLIMAN, AUG 28 2018

Israel is a racist state that has established an apartheid regime. This is according to a United Nations report published in 2017 and the South African report by the Human Sciences Research Council (HSRC) published as early as 2009. In contextualising Israeli apartheid and the hypocrisy in the racially structured global order I highlight some of the approaches by western states in responding to 'crisis affecting whites' in comparison to 'crisis affecting non-whites.' These simple examples expose the political and social culture inside Israel, and the international (read: Western) complicity in Israeli apartheid.

Political and Social Culture and the Western Norm of Hypocrisy

In August 2018, Israeli Member of Parliament, Oren Hazan from the ruling Likud Party said that 'Africans have no culture and that Israel should stop African refugees from having children'. The Likud Party and its leaders have not condemned the comment to date. This statement, the escalating violence against black people inside Israel where 'Chief Rabbi Yosef [called] black people "monkeys" and the Hebrew equivalent of the N-word' and the deportation of Africans from Israel in recent years animates the racist mentality inside Israel which regards all non-white persons (Black/Arab) as inferior, as 'subhuman' peoples, who should be managed and controlled. Likewise, in 2014, Israeli lawmaker Ayelet Shaked, now the Justice Minister in the new Israeli coalition government published on Facebook a call for genocide of Palestinians referring to 'the entire Palestinian people [as] the enemy' including the 'elderly and its women, its cities and its villages, its property and its infrastructure'. Shaked called for the 'slaughter of Palestinian mothers who give birth to "little snakes"'. Considering these comments and the body of discriminatory legislation inside Israel it is imperative to acknowledge the impact of race, culture and mind-set on policy making and implementation.

There has been almost no outcry or condemnation for these comments from the white-Western world, affirming the existence of a 'hierarchy of human rights'. The claim of a universal human rights regime is certainly contentious because the regime is primarily Eurocentric and 'falls within the historical continuum of the Eurocentric colonial project' establishing a hierarchy of human value based on race which undermines the claim of universality (Mutua, 2001:204). Additionally, 'international relations are driven by a longstanding unspoken 'norm against noticing race' (Harrison 2002, 56). Significantly, the white-Western world's response to land expropriation in the Occupied Palestinian Territories (OPT) has been muted despite the in-numerous UN resolutions[1] condemning Israel's settlement building and the arbitrary and vindictive confiscation of Palestinian land that 'had led to settler violence, home demolitions and the denial of development' in the OPT. Just as in South Africa where black people were brutally exploited, dispossessed of their land and robbed of their rights to earn a livelihood, through laws such as The Glen Grey act of 1894, The Native Land Act of 1913, The Transvaal Asiatic Land Tenure Act of 1930, The Riotous Assemblies Act of 1930, The Asiatic Immigration Amendment Act of 1931, The Native Trust and Land Act of 1936 among others, Palestinians suffer similar aggressions through laws passed by Israel. These include the Regularisation Law which allows Israel to retroactively expropriate private Palestinian land,[2] the Abandoned Areas Ordinance of June 1948 and the State Property Law of 1951(Forman and Kedar 2003, 813-823). These laws allowed Israeli land officials the opportunity to normalise 'the seizure and reallocation of appropriated Arab land' (Forman and Kedar 2003, 823).

When compared to the recent debates in South Africa to initiate a process of land expropriation without

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compensation, Australian Home Affairs Minister Peter Dutton told various news outlets that 'he was considering fast-tracking visas for white South African farmers...[who] "deserve special attention" because of land seizures and violence'. Despite the fact that the land issue in South Africa is about redressing historical injustices, whilst appropriation of Palestinian lands is an injustice and crime, Australia has never offered refuge to Palestinians. Likewise, Fox News presenter Tucker Carlson 'questioned why US taxpayers should send aid to SA if the ANC is determined to undermine property rights'. Fox News has never questioned US Aid to Israel over the theft of Palestinian land. Essentially, land expropriation is acceptable if the land to be appropriated belongs to non-white persons and problematic, if the land belongs to white persons. These scenarios expose the double standards and hypocrisy in the international system of nation states where the power is skewed to the side of Western states and where many western states are structurally racist despite their democratic veneer.

Many of the Western states, particularly the settler colonies and Israel in particular exhibit particular traits that contradict the notion of equality for all citizens, freedom and liberty. These traits include 'fascism of social apartheid' which refers to the social separation of the 'excluded' or 'subhuman' managed through an elaborate 'urban cartography'. In layman's terms, this is about changing the realities on the ground and shifting borders and boundaries. The second refers to 'contractual fascism' which refers to 'power inequalities' in a civil contract where the weaker party is forced to accept 'despotic' or unacceptable conditions imposed upon them largely because they are not protected by the law. In many instances the law may be complicit in these violations. The third refers to 'territorial fascism' where social actors coerce or co-opt state institutions into exercising regulation over controlled territories, such as the actions of the Jewish settlers in the OPT and Israeli settlements. With this context comprehending Israel's arrogance, violence and racism because of the backing and support it has from powerful Western allies who share similar exploitative and discriminatory histories is not complicated.

Apartheid Israel

The 2017 United Nations Economic and Social Commission for Western Asia (UNESCWA) report on Israel's status as an apartheid regime reached a conclusion based on the application of 'the definition of apartheid under international law,' to the various facets, policies and actions of the Israeli state. Understanding Israeli apartheid requires knowledge of the context on two levels.

The first refers to Israeli apartheid in the OPT which includes the West Bank and Gaza and the second refers to Israeli apartheid against non-Jewish citizens, specifically Israeli citizens of Palestinian ethnicity living inside Israel. Despite claims of withdrawal from Gaza, it is a fact that Israel occupies all of Gaza's borders – land, sea and airspace. Israel maintains a stranglehold on this area. Gaza does not have a border; it is not a sovereign state and Palestinians are locked into this enclave because of a belligerent occupation of its borders by Israel. To visualise Israel's control of Palestinian borders consider that in the first week of August 2012, South Africa's then Deputy Minister of International Relations and Cooperation Ebrahim-Ebrahim and four other ministers of the Non Aligned Movement (NAM) were refused entry into the West Bank city of Ramallah for a meeting. According to the Israeli government, the Committee was prevented from entering Palestine on the claim that four of the member nations of the committee did not have diplomatic relations with Israel. The action taken by Israel was according to the Egyptian Foreign Minister, Mohamed Kamal Amr "...a flagrant violation of the principles of international law and of Israel's obligations as the occupying power".

According to Resolution 26/25(XXV) of the General Assembly, states should refrain from threatening the territorial integrity and political independence of other states, resolve disputes peacefully in order to safeguard security in the international system. Furthermore, refrain from interference in the domestic disputes of other states, consider the principle of sovereign equality of other states and co-operate with each other. The UN Charter also urges states to consider the principle of equal rights and self-determination of peoples. Israel exhibits none of these values in its interaction with the OPT and Gaza. According to the Legal Resources and Human Rights Centre of the Society of St-Yves (Jerusalem), the Israeli High Court of Justice has defined Israeli control in the OPT as a 'belligerent occupation and administrative occupation'. What can easily be overlooked from this refusal of entry is a very simple question, "Why is Israel denying anyone the right to enter Palestine?" Palestine is not Israel. Significantly, Israel has not identified what its borders are because this allows Israel to keep stealing Palestine land.

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In returning to the report on apartheid Israel, published by UNESCWA, the report included an analysis of the two level context and concluded through an academic process of enquiry

that Israel has imposed a regime of apartheid on the Palestinian people as a whole, wherever they may be. A regime that affects Palestinians in Israel itself, in the territory occupied in 1967 and in the diaspora.

Significantly, this report reached the same conclusion as the HSRC report. The HSRC report of May 2009, entitled *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law*, incorporated the definitions of the Apartheid Convention and Rome Statute (which identified and described the prohibition of apartheid), stating that Israel was guilty of introducing a system of apartheid in the OPT in accordance with Article 2 of the Apartheid Convention. The prohibition of apartheid is considered as customary law and is 'a peremptory rule of international law (a *jus cogens* norm) which entails obligations owed to the international community as a whole'. According to the International Convention on the Suppression and Punishment of the Crime of Apartheid adopted by the General Assembly of the United Nations on 30 November 1973, the 'crime of apartheid' included 'similar policies and practices of racial segregation and discrimination as practised in southern Africa' including inhuman acts perpetrated to establish and maintain domination of one racial group over another racial group through an institutionalised regime of systematic oppression. The convention included provisions such as 'the infringement of their freedom or dignity, arbitrary arrest and illegal imprisonment of the members of a racial group or groups,' and the reference to the imposition of unbearable living conditions with the intention to physically destroy the particular racial group being subjugated. This last reference is clearly applicable to Gaza. The HSRC report states that Israel is systematically instituting policies and implementing them to ensure a continued domination over the Palestinian people in the OPT through a three-tiered process which is similar to that previously found under the 'grand-apartheid' practises in South Africa. The three tiers refer to Israeli Law, the grand policy of fragmentation and the use of security laws and policies.

Israeli law gives preferential legal status and material benefits to Jews. As a result, non-Jews are accorded an inferior status. Israeli law constitutes a host of discriminatory legal practises and law that undermine Palestinian citizenship, status and rights and subjects Palestinians to harsher laws and different courts in comparison to Jewish settlers. Israel has more than 65 discriminatory laws that affect Palestinian ethnicity Israeli citizens and Palestinians in the OPT. The laws inside Israel are designed to discriminate against Palestinian-Israeli citizens and impacts on their cultural, religious, political, educational and social life. For instance, with regards cultural and educational discrimination, Palestinian-Israeli citizens are forbidden from celebrating the Nakba or discussing it in schools. Accordingly, the Nakba Law of 2011 allowed the finance minister to 'reduce funding or support to an institution if it holds an activity that commemorates Israel's Independence Day as a day of mourning' (Al Jazeera 2018). The law 'violates the principle of equality and the rights of Arab citizens to freedom to express their opinion and to preserve their history and culture'. With regards economic discrimination, the Amendment no. 12 (2010) to the Absorption of Discharged Soldiers Law (1994) affords any university student who has completed his military service a 'compensation package' that covers tuition, accommodation and preparatory tuition benefits. The law is discriminatory because Palestinian- Israeli citizens are exempt from military service, thus cannot qualify for any of these education benefits. In the OPT, Israel has continuously confiscated Palestinian land, demolished homes, barred Palestinians from accessing 'settler only' roads and

prevented Palestinian villages from upgrading or building homes, schools, health clinics, wells, and water cisterns, blocked Palestinians from accessing roads and agricultural lands, failed to provide electricity, sewage, water, and other utilities to Palestinian communities.

The nation-state bill passed in July 2018 excludes Palestinian-Israeli citizens from the 'right to equality and collective rights' because it explicitly states that Jewish rights are superior. Accordingly, 'the realization of the right to national self-determination in Israel is unique to the Jewish people'. The Law to Amend the Cooperative Societies Ordinance (no. 8) (2011), known as "The Admissions Committees Law" allows Jewish controlled admission committees the right to reject applicants deemed 'unsuitable to the social life of the community... or the social and cultural fabric of the town' (fascism of social apartheid). This process legally allows for Palestinian-Israelis to be denied the right to live in Jewish areas, legitimising the separation and exclusion of entire groups. The second tier, that of the grand policy of

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fragmentation of the OPT serves to segregate and dominate the population along racial lines whilst allowing Israel to appropriate Palestinian land. The third tier refers to security laws and policies. The creation of extensive and excessive security laws and policies supported by oppressive military laws and biased military courts are claimed by Israel to be 'security' measures to 'protect' Israel, whilst concealing the suppression and occupation of the Palestinian peoples.

Significantly, the above tiers constitute a clear violation of the following two provisions in the apartheid convention;

1. Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
2. Any measures including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof.

Apartheid is the human version of classical physics which is based on the principles of Newtonian billiard ball physics. According to this mechanical theory, 'objects are separate from each other and reality is based on cause and effect.' The essence of apartheid is manifested structurally, institutionally, culturally and epistemologically and it is contended that it is visible in the systemic subjugation of the Palestinian people by the Israelis both inside Israel and in the OPT, East Jerusalem and Gaza. As a side note, the Palestinian-Israeli conflict is not a religious conflict *per se*. It is fundamentally a territorially anchored struggle, disguised as a religious conflict and in order to give meaning to territorially anchored struggles, culturally specific social constructions of race must be considered in order to understand the impact of ideological and structural forces that frame international responses (Harrison 2002, 55). This has been discussed in the foregoing and can be enhanced by considering the US's refusal to participate in the World Conference Against Racism's (WCAR) discussion on Zionism as racism and in discussions on reparations for colonialism and slavery (Harrison 2002, 56). Notably, WCAR was also boycotted by the settler colonies of Canada, Australia, Israel and New Zealand amongst other European states. Considering that '[a]partheid is a policy of enforced separation and disparities between races' (Harrison 2002, 53) the Israeli regime must be critically considered through the analytical tools of racial prejudice, white supremacy and settler colonialism. The nature of settler colonies is that they are essentially constituted through genocide and the expulsion of the native peoples and this is a history that is shared by states such as the US, Canada, Australia, New Zealand and Israel amongst others (Smith 2012, 72). Furthermore, these settler colonies can only exist 'through the disappearance of indigenous people' (Smith 2012, 73); hence external relations are inevitably influenced by this dimension in the forging of allies.

Israel's apartheid, manifests in the desire to drive 'so many of its original inhabitants into the sand' through various programmes such as the 'unelaborated exercise of force', illegal settlement building and the expulsion of Bedouin populations from the villages inside Israel and in the OPT in order to complete its plan of 'changing the demographics' on the ground (Wolfe 2006, 401). In comparing the history of Western states such as the US, Canada and Australia (all former settler colonies) to the occupation of the Palestinian lands it is feasible to claim that racism, settler colonialism and white supremacy, play a key role in the attitude of these states. This is because holding Israel accountable for its actions against an indigenous people would amount to these states acknowledging and being accountable for their own acts of 'genocide' against the indigenous people in their lands. In this regard, the continued support these states give to Israel during its illegal settlement building and violation of Palestinian human rights is significant. On a theoretical level, Critical Race Theory (CRT) describes racism as a manifestation of 'structural power, systemic dominance [and] institutionalised ideologies' that constitute the main elements in defining race and racial identity (Modiri 2012, 27). CRT locates race and racism within a discourse that does not limit the analysis to a discussion on every-day or individual discrimination based on colour; rather it identifies 'racial oppression as primarily an institutional and systemic problem [and] racism as a structural manifestation of white social, economic

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and cultural power' (Modiri 2012, 27).

In light of this definition, the systematic oppression and domination of the Palestinian people in the OPT and inside Israel in conjunction with the nation-state law which declares the ethnic superiority of the Jews affirms Israel as an apartheid and racist state. From the above it can be contended that political scientists need to incorporate perspectives on race and racism in their analysis on global politics and political economy.

Notes

[1] Although some western states have supported resolutions condemning Israel's settlement building and violation of Palestinian Human Rights, not a single settler has instituted any enforcement measures such as sanctions against Israel; and when punitive measures against Israel have been suggested, these have consistently been vetoed in the UNSC by the US.

[2] See lphr.org. 2017. 'Sanctioning land expropriation in the Occupied Palestinian Territory – Israel's new 'Land Regularisation Law''; I. Matar. 1997. 'The Quiet War: Land Expropriation in the Occupied Territories'

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